AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 17 NUMBER 89

Washington, Tuesday, May 6, 1952

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 625—NOTICE OF CONSTRUCTION OR ALTERATION

REVISION

A proposed revision of Part 625 was published on July 4, 1951, in 16 F. R. 6531. Interested persons were afforded an opportunity to submit data, views, or arguments. Consideration has been given to all relevant matter presented. The following revision is hereby adopted.

Sec.
625.1 Basis and purpose.
625.2 Explanation of terms.
625.3 Structures requiring notice.
625.4 Structures exempt from notice.
625.5 Form and time of notice.

AUTHORITY: §§ 625.1 to 625.5 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 1101, 52 Stat. 1026, as amended; 49 U. S. C. 671.

§ 625.1 *Basis and purpose.* The basis of this part is sections 205 and 1101 of the Civil Aeronautics Act of 1938, as amended. The purpose of this part is to require persons to give notice to the Administrator, in a prescribed form and manner, of the construction or alteration of certain types of structures along or near civil airways.

§ 625.2 *Explanation of terms.* As used in this part:

(a) "Administrator" shall mean Administrator of Civil Aeronautics.

(b) "Alteration" shall mean any change in a completed structure which (1) increases the height of the top or any portion of the structure to, or above, the height specified in § 625.3, or (2) increases or decreases the height of the top or any portion of the structure which is above the height specified in § 625.3.

(c) "Boundary of a landing area" shall mean (1) any one of the limits of that portion of a landing area maintained for the use of land aircraft in taking off or landing or (2) any one of the limits of that portion of a landing area used for water aircraft in taking off or landing, which limits are defined as being five thousand feet in all directions measured over open water from the principal ramp of the landing area or, if marked in accordance with standard practice, the limits of the landing area so marked.

(d) "Civil airway" shall mean a path through the navigable air space of the United States, identified by an area on the surface of the earth, designated or approved by the Administrator as suitable for interstate, overseas, or foreign air commerce.[1]

(e) "Ground level" and "mean water level" shall mean the ground level and/or mean water level at the base of the structure.

(f) "Landing area" shall mean any locality, either on land or water, including airports and intermediate landing fields, which is listed as an airport in the current issue of the Airman's Guide [2] and is used for the landing and take-off of aircraft, whether or not facilities are provided for sheltering, servicing, or repairing aircraft, or for receiving or discharging passengers or cargo.[1]

(g) "Structure" shall mean any form of construction of a permanent or temporary character, including any apparatus used in the construction, alteration, or repair of any such structure.

§ 625.3 *Structures requiring notice.*[3] Except as otherwise provided in § 625.4, any person engaging in the construction or alteration of any of the following structures shall give notice thereof to the Administrator.

(a) Any structure along, or within twenty miles of, a civil airway, the top or any portion of which is, or may become, by reason of such construction or alteration, greater than one hundred and fifty feet above ground level, or above mean water level (where the structure is, or will be, situated in, or over, navigable water).

(b) Any structure within fifteen thousand feet of the nearest boundary of a landing area located along, or within twenty miles of, a civil airway, the top or any portion of which is, or may become,

[1] See section 1 of the Civil Aeronautics Act of 1938 (52 Stat. 977; 49 U. S. C. 401).

[2] "Airman's Guide" may be examined in any office of the Civil Aeronautics Administration. It is for sale by the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C., at 25 cents per copy, or $6 per year.

[3] The reporting requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Continued on p. 4139)

CONTENTS

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Now Available

HANDBOOK OF EMERGENCY DEFENSE ACTIVITIES

APRIL–SEPTEMBER 1952 EDITION

Published by the Federal Register Division, the National Archives and Records Service, General Services Administration

125 PAGES—30 CENTS

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

by reason of such construction or alteration, greater than five feet above ground level, or above mean water level (where the structure is, or will be, situated in or over navigable water), for each five hundred feet or fraction thereof, of the distance that such structure is, or will be, situated from the nearest boundary of a landing area.

(c) Any landing area, a boundary of which will be within 20 miles of a civil airway.

§ 625.4 *Structures exempt from notice.* A person engaging in the construction or alteration of the following structure is not required to give notice thereof to the Administrator:

(a) Any structure located in a city, town, or settlement, where the structure, after construction or alteration, will be shielded by existing structures of a permanent and substantial character, each of which is equal to or greater than the height of the completed structure.

(b) Any structure located in the congested part of a city, where it is evident beyond all reasonable doubt that the structure will not interfere with safety in air commerce, regardless of whether the structure after construction or alteration; will be shielded by surrounding structures of a permanent and substantial character.

§ 625.5 *Form and time of notice.*[3] (a) The notice of construction or alteration shall be submitted to the Administrator[4] in triplicate on a Form ACA–117,[5] at least thirty days, but not more than sixty days, prior to the date on which such construction or alteration is to begin: *Provided*, That in case of an emergency requiring immediate construction or alteration, such notice may be communicated to an authorized representative of the Administrator[4] by telephone, telegraph, or other expeditious means, and the executed Form ACA–117 shall be submitted within five days thereafter.

(b) Any change in the date upon which the construction or alteration is to begin, or any other change in the data contained in the Form ACA–117 submitted in compliance with paragraph (a) of this section, shall be submitted to the Administrator[4] on a Form ACA–117, by letter, or by telegraph.

This revised part shall become effective thirty days after publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-5032; Filed, May 5, 1952; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52985]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

CUSTOMS EXEMPTIONS ACCORDED TO PUBLIC INTERNATIONAL ORGANIZATIONS AND CERTAIN ALIENS CONNECTED THEREWITH

By Executive Order 10335 dated March 28, 1952 (17 F. R. 2741), the President designated the Provisional Intergovernmental Committee for the Movement of Migrants from Europe as a public international organization entitled to the privileges, exemptions, and immunities

[3] The reporting requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[4] This notice may be transmitted to the Civil Aeronautics Administration, Washington 25, D. C., or to the nearest regional or district office of the Civil Aeronautics Administration.

[5] This form has been approved by the Bureau of the Budget in compliance with the Federal Reports Act. Copies of the form may be obtained from the Civil Aeronautics Administration, Washington 25, D. C., or from the nearest regional or district office of the Civil Aeronautics Administration.

conferred by the International Organizations Immunities Act of December 29, 1945.

1. Accordingly, paragraph (a) of § 10.30a, Customs Regulations of 1943 (19 CFR 10.30a), as amended, is further amended to read as follows:

(a) The President, by virtue of the authority vested in him by section 1 of The International Organizations Immunities Act of December 29, 1945 (22 U. S. C. 288) [33a] has designated certain organizations as public international organizations entitled to the free entry privileges of that statute. The following is a list of the public international organizations currently entitled to such free entry privileges and the Executive orders by which they were designated:

Organization	Executive Order	Date
Caribbean Commission	10025	Dec. 30, 1948
Food and Agriculture Organization	9698	Feb. 19, 1946
Inter-American Defense Board	10228	Mar. 20, 1951
Inter American Institute of Agricultural Sciences	9751	July 11, 1946
Inter-American Statistical Institute	9751	Do.
International Bank for Reconstruction and Development [33b]	9751	Do.
International Civil Aviation Organization	9863	May 31, 1947
International Cotton Advisory Committee	9911	Dec. 19, 1947
International Joint Commission-United States and Canada	9972	June 25, 1948
International Labor Organization	9698	Feb. 19, 1946
International Monetary Fund [33b]	9751	July 11, 1946
International Refugee Organization (Successor to Preparatory Commission for the International Refugee Organization)	9887	Aug. 22, 1947
International Telecommunication Union	9863	May 31, 1947
International Wheat Advisory Committee (International Wheat Council)	9823	Jan. 24, 1947
Organization for European Economic Cooperation	10133	June 27, 1950
Pan American Sanitary Bureau	9751	July 11, 1946
Pan American Union	9698	Feb. 19, 1946
Provisional Intergovernmental Committee for the Movement of Migrants from Europe	10335	Mar. 28, 1952
South Pacific Commission	10086	Nov. 25, 1949
United Nations	9698	Feb. 19, 1946
United Nations Educational, Scientific, and Cultural Organization	9863	May 31, 1947
World Health Organization	10025	Dec. 30, 1948

2. Footnote 33b is deleted, and footnote 33c is redesignated 33b.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22; 19 U. S. C. 66, 1624. Interprets or applies sec. 498, 46 Stat. 728, sec. 3, 59 Stat. 669; 19 U. S. C. 1498, 22 U. S. C. 288b)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: April 29, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-5056; Filed, May 5, 1952; 8:52 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 103 [1]]

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 371.27 *General license G-COAL, overland exports of coal* is hereby deleted.

2. Section 373.1 *Export licensing general policy*, paragraph (h) *Commodities subject to this export licensing policy*, subparagraph (2) is amended in the following particulars:

a. Footnote 1 (relating to certain hides and skins) is hereby deleted.

b. The commodity entry "Coke, metallurgical grades only Schedule B No. 500400" is amended to read as follows:

Commodity:	Schedule B No.
Coke, except petroleum coke	500400

3. Section 373.6 *Special provisions for hides and skins, raw, of foreign origin* is amended to read as follows:

§ 373.6 *Special provisions for wet cattle hides.* Applications for licenses to export wet cattle hides, Schedule B No. 020104, must show, in the commodity description column of Form IT-419, the number of hides weighing less than 58 pounds each. If no hides weighing less than 58 pounds are included in the proposed shipment, the applicant must so state in the commodity description column.

4. Section 373.24 *Statement of past participation in exports for certain commodities*, paragraph (b) *Commodities requiring statement of past participation* is amended in the following particulars:

a. Subparagraph (3) *BHC (benzene hexachloride) and formulations thereof containing one percent or more of the gamma form, Schedule B No. 520585* is hereby deleted.

b. Subparagraphs (4), (5), (6), and (7) are renumbered respectively (3), (4), (5), and (6).

5. Section 373.30 *Special provisions for coal and coke* is hereby deleted.

6. Section 373.51 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended to read as follows:

§ 373.51 *Supplement No. 1.*

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES [1]

SECOND AND THIRD QUARTERS, 1952

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		Second quarter 1952	Third quarter 1952
	Rubber (natural, allied gums, and synthetics) and manufactures		
209901	Synthetic rubber (GR-S)	Prior to Mar. 31, 1952.	
	Petroleum and products		
503300 through 504100	Lubricating oils and greases (for shipments to Burma, Ceylon, Taiwan, Indochina, Hong Kong, India, Macao, Federation of Malaya, Republic of Indonesia, Pakistan, Republic of the Philippines, Singapore, and Thailand (see § 373.8).		On or before May 15, 1952.
	Metals and manufactures [2]		
618857	Copper-base alloy (including brass and bronze) plumbing fixtures and fittings (including pipe valves with working pressure not exceeding 125 PSI W. O. G. ratings), and specially fabricated parts, n. e. c. (specify by name).	Mar. 1-Mar. 15, 1952.	
	Controlled materials: [3] [4]		
	Commodities with processing code STEE	Dec. 1-Dec. 15, 1951	Feb. 15-Feb. 29, 1952.
	Commodities with processing code TNPL:		
	Specification production plate	Dec. 5-Dec. 20, 1951	Mar. 24-Apr. 21, 1952.
	Secondary tinplate products	Mar. 1-Mar. 31, 1952	
	Commodities with processing code NONF	Dec. 15-Dec. 31, 1951	Feb. 15-Feb. 29, 1952.
	Commodities other than controlled materials:		
	All commodities with processing code NONF under the following headings:		
	Aluminum and manufactures	Feb. 1-Feb. 15, 1952	May 1-May 15, 1952.
	Copper and manufactures		
	Brass and bronze manufactures		
	Lead, nickel, tin, zinc and manufactures		
651517	Babbitt metal	Feb. 1-Feb. 15, 1952	May 1-May 15, 1952.
664514	Cadmium metal, alloys, dross, flue dust, residues, and scrap (including metallic shapes).		
619039	Cobalt welding rods	May 1-May 15, 1952.	
664529	Cast cobalt-chromium dental alloys		
829970	Cobalt reagents for laboratory use (includes cobalt metal reagents for laboratory use)		
830750	Cobalt salts of organic compounds (includes cobalt talinte)		
839900	Cobalt compounds, except chemical pigments		
843900	Cobalt-containing paint and varnish driers		
915590	Dental alloys and amalgams containing cobalt		
	Medicinal and pharmaceutical preparations		
812100	Human blood plasma	May 1-May 14, 1952.	

See footnotes at end of table.

[1] This amendment was published in Current Export Bulletin No. 665, dated April 24, 1952.

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES [1]—Continued

FOURTH QUARTER, 1952, AND FIRST QUARTER, 1953

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		Fourth quarter 1952	First quarter 1953
	Petroleum and products		
503300 through 504100	Lubricating oils and greases (for shipments to Burma, Ceylon, Taiwan, Indochina, Hong Kong, India, Macao, Federation of Malaya, Republic of Indonesia, Pakistan, Republic of the Philippines, Singapore, and Thailand (see § 373.8).	On or before Aug. 15, 1952.	
	Metals and manufactures [2]		
	Controlled materials: [3 4]		
	Commodities with processing code STEE	May 15–May 30, 1952.	
	Commodities with processing code NONF	May 15–May 30, 1952.	

[1] Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any time. (See § 372.3 (a) of this subchapter.)

[2] The submission dates for these commodities are also applicable to project license applications (see §§ 374.2 (f) and 374.3 (d) of this subchapter), but are not applicable to petroleum project licenses (see § 398.8 (d) of this subchapter).

[3] Controlled materials are identified on the Positive List by the letter "C" in the column headed "Commodity Lists."

[4] See § 398.5 (b) (5) of this subchapter for exception to these dates under certain conditions.

This amendment shall become effective as of April 24, 1952.

(Sec. 3, 63 Stat. 7 Pub. Law 33, 82d Cong.; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

LORING K. MACY,
Director Office of International Trade.

[F. R. Doc. 52-5003; Filed, May 5, 1952; 8:45 a. m.]

[5th Gen. Rev. of Export Regs. Amdt. P. L. 85 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following revisions are made in commodity descriptions:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
707550★	X-ray apparatus, and parts, n. e. c.: X-ray diffraction units, and specially fabricated parts, n. e. c. [1 4]	.....	SATE	None	RO
707590	Short wave diathermy units, 500 megacycles and over, and specially fabricated parts, n. e. c.[1]	.....	SATE	None	RO
707590	Short wave diathermy units, under 500 megacycles, and specially fabricated parts, n. e. c.[2]	.....	SATE	None	R
	Microscopes, and specially fabricated accessories and parts, n. e. c.:				
914660★	Metallographs, and specially fabricated parts, n. e. c. (formerly 919098).[1 2 4]	.....	SATE	None	RO
914660★	Metallurgical microscopes, and specially fabricated parts, n. e. c.; electron microscopes, and specially fabricated parts, n. e. c.[2 3 4]	.....	SATE	None	RO RO
914660	Other microscopes, and specially fabricated parts and accessories, n. e. c., except diamondscopes, microprojectors, and microscope slides.[3]	.....	SATE	None	R
915740	Warburg apparatus for the examination of living tissue, and specially fabricated parts, n. e. c. (formerly 915730 and 919098).[1 2]	.....	SATE	None	RO
916025	Map reproduction equipment; stereoscopic plotting and photo interpretation equipment; and specially fabricated parts, n. e. c.[2]	.....	SATE 52	None	R
916060	Depth recorders and fathometers, and specially fabricated parts, n. e. c. (formerly 949600).[1 2]	.....	SATE	None	RO
919010	Other meteorological instruments, and specially fabricated parts, n. e. c. (formerly 919098).[3]	.....	SATE	100	R
	Basic research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c.:				
919060★	Spectrophotometers, and specially fabricated parts, n. e. c. (includes spectroscopes, spectrometers (including X-ray types),[5] diffraction gratings (primary standards), and infrared absorption meters) (formerly 919098).[1 4 6]	.....	SATE	None	RO
919070	Automatic fractionation apparatus, and specially fabricated parts, n. e. c. (formerly 919098).[3]	.....	SATE	None	R
919070★	Betatrons, and specially fabricated parts, n. e. c. (formerly 919098).[1 4]	.....	SATE	None	RO
919070	Colorimeters, and specially fabricated parts, n. e. c. (formerly 919098).[3]	.....	SATE	200	R
919070★	Densitometers, and specially fabricated parts, n. e. c. (formerly 919098).[1 2 4]	.....	SATE	None	RO
919070★	Electrometers, and specially fabricated parts, n. e. c. except student type (formerly 919098).[2 3 4]	.....	SATE	None	RO
919070	Electronic computers, and specially fabricated parts, n. e. c. (formerly 919098).[1 2]	.....	SATE	None	R
919070	Electrophoresis apparatus, and specially fabricated parts, n. e. c. (formerly 919098).[3]	.....	SATE	None	R
919070★	Fluorophotometers, and specially fabricated parts, n. e. c. (formerly 919098).[1 4]	.....	SATE	None	RO
919070	Refractometers, and specially fabricated parts, n. e. c. (formerly 919098).[3]	.....	SATE	None	R
919070★	Spectrographs; monochromators; and specially fabricated parts, n. e. c. (formerly 919098).[2 3 4]	.....	SATE	None	RO
919070	Supersonic generators for operation at 17,000 cycles per second or over, except military types, and specially fabricated parts, n. e. c. (formerly 919098).[3]	.....	SATE	None	RO
919070★	Synchrotrons, and specially fabricated parts, n. e. c. (formerly 919098).[1 4]	.....	SATE	None	RO
	Secondary research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c.:				
919080	pH meters, noncontinuous, and specially fabricated parts, n. e. c. (formerly 919098).[1 2]	.....	SATE	100	RO
919080	Viscosimeters, noncontinuous, and specially fabricated parts, n. e. c. (formerly 919098).[3]	.....	SATE	200	R

★The commodity described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c) of this subchapter.

[1] The effect of this revision is to add specially fabricated parts, n. e. c., to the Positive List.

[2] The effect of this revision is to clarify the description without making substantive change.

[3] The commodities covered by this Positive List entry require import certificate (see § 373.34 of this subchapter).

[4] The commodities covered by this Positive List entry require prior approval of Form IT-379 against DL Licenses (see § 374.2 of this subchapter).

[5] This revision clarifies the coverage of the Positive List entry without making a substantive change.

[6] All outstanding licenses for the exportation of spectrometers issued by the Atomic Energy Commission remain valid until they expire or are revoked.

See footnotes at end of table.

[1] This amendment was published in Current Export Bulletin No. 665, dated April 24, 1952.

2. The following are changed from R to RO commodities:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
523110	Optical instrument glass and glass blanks, except synthetic crystals.[1]	No. and Lb.	SATE	100	RO
	Radio and television apparatus:				
	Radio communication equipment, n. e. c. (report radar equipment in 707607; automobile and home-type radio receivers in 707635–707719):				
707617	Radio receiver sets, communications-type, except airborne and shipborne (formerly 707720).[2]	No.	RARA	200	RO
707625	Radio beacon (beam) transmitters, under 500 megacycles, and specially fabricated parts and accessories, n. e. c. (formerly 707640).[2]	.....	RARA	None	RO
707810	Radio and television transmitting type tubes (specify by name) (report television camera tubes in 707812) (formerly 707612).[2]	No.	RARA	None	RO
709909	Other parts, n. e. c., specially fabricated for radio transmitter tubes (formerly 707628).[2]	.....	RARA	100	RO
	Internal-combustion engines, n. e. c., and parts, n. e. c.:				
	Gasoline:				
714360	Other, including tractor engines, over 50 brake horsepower (specify brake horsepower) (formerly 714410).[2]	No.	TRAN	250	RO
	Diesel and semi-diesel:				
714060	Marine, over 1,000 brake horsepower (at normal speed), injection type (specify brake horsepower) (formerly 714600).[2]	No.	TRAN	None	RO
	Other, including tractor engines (specify brake horsepower):				
714710	200 brake horsepower and under (at normal speed), injection type.[2]	No.	TRAN	None	RO
714720	Over 200, up to and including 500 brake horsepower (at normal speed), injection type, (formerly 714810).[2]	No.	TRAN	None	RO
714740	Over 500, up to and including 1,000 brake horsepower (at normal speed), injection type (formerly 714810).[2]	No.	TRAN	None	RO
714760	Over 1,000 brake horsepower (at normal speed), injection type (formerly 714810).[2]	No.	TRAN	None	RO
	Kerosene engines:				
714910	Other kerosene engines, over 10 horsepower, including tractor engines (formerly 714410).[2]	No.	TRAN	250	RO
715900	Marine engine accessories, and specially fabricated parts (specify Diesel or gasoline).[1] [2]	.....	TRAN	250	RO
715900	Parts, n. e. c., specially fabricated for internal combustion locomotive engines (report H. P. and RPM of engines requiring parts).[1] [2]	.....	TRAN	500	RO
715900	Other engine accessories and specially fabricated parts (report tractor engine parts in 709030, 709220, 788901, and 788905).[1] [2]	.....	TRAN	250	RO
	Power-driven metalworking machine tools (nonportable), and parts:				
742000	Drilling machines, upright type, multiple spindle [2]	No.	TOOL	250	RO
742600	Plate planers, double housing and open side, 48 inches and over; and rotary planers, double housing and open side, 48 inches and over.[2]	No.	TOOL	None	RO
743500	Surface grinding machines, gap gauge [2]	No.	TOOL	None	RO
	Forging machinery, and specially fabricated parts, n. e. c.:				
744700	Parts for other forging machinery included on the Positive List under Schedule B No. 744700.[2]	.....	TOOL	None	RO
745509	Machinery for drawing wire and tubing [2]	.....	TOOL	None	RO
745509	Parts and accessories for machinery for drawing wire and tubing.[2]	.....	TOOL	250	RO
	Air-conditioning and refrigerating equipment, n. e. c., and parts, n. e. c. (electric, gas, gasoline and kerosene operated):				
766010	Auxiliary and accessory equipment, commercial, n. e. c., except humidifiers, and specially fabricated parts, n. e. c.[2]	.....	GIEQ	100	RO
771150	Condensers, under 4 stages, delivering liquids or gases at 300 lbs. per square inch or more (formerly 713500).[2]	.....	GIEQ	100	RO
771150	Other jet ejectors and condensers (steam, oil or gas), under 4 stages, and specially fabricated accessories and parts, n. e. c. (specify by name) (formerly 713500).[2]	.....	GIEQ	None	RO
	Chemical and pharmaceutical processing and manufacturing machines, n. e. c., and specially fabricated parts, n. e. c. (report spinning pumps in 750850; report furnaces under appropriate Schedule B No. according to type of furnace, e. g., electric melting and refining furnaces for the production of chemicals, 707415):				
775055	Other chemical and pharmaceutical processing and manufacturing machines, and specially fabricated parts, n. e. c. (formerly 775050).[2]	.....	GIEQ 1	100	RO
	Parts for commercial automobiles, trucks, and busses:				
	Engines for assembly:				
	Motor truck and bus engines:				
791201	Diesel and semi-diesel (formerly 792830) [2]	No.	TRAN	None	RO
	Engines for replacement:				
791240	Diesel and semi-diesel (formerly 793130) (see § 373.7 of this subchapter).[2]	No.	TRAN	None	RO
	Acids and anhydrides:				
	Inorganic:				
	Inorganic acids and anhydrides, n. e. c. (specify by name):				
830980	Vanadic acid [2]	Lb.	ACID	25	RO
830980	Vanadic anhydride [2]	Lb.	ACID	25	RO
919010	Meteorological sounding balloons (formerly 919098)[2]	.....	RUBR	None	RO
	Basic research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c.:				
919070	Electronic computers (formerly 919098)[2]	.....	SATE	None	RO

[1] The commodity description is clarified by the addition of the words "specially fabricated."
[2] The commodities covered by this Positive List entry require import certificate (see § 373.34).

3. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
023002	Sheep skins, dry.
023004	Sheep skins, wet.
023006	Lamb skins, dry.
023008	Lamb skins, wet.
	Hides and skins, n. e. c. (include whole skins and parts thereof):
025098	Goat skins; kangaroo skins; kid skins; and wallaby skins.
	Leather and tanned skins, n. e. c. (specify by name):
035900	Sheep and lamb skins, semitanned; goat skins, semitanned.

This amendment shall become effective as of 12:01 a. m., May 1, 1952.

Shipments of any commodities removed from general license to Country Group O destinations as a result of changes, set forth in Parts 1 and 2 of this amendment, which were on dock; on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., May 1, 1952, may be exported under the previous general license provisions up to and including May 24, 1952. Any such shipment, not laden aboard the exporting carrier on or before May 24, 1952, requires a validated license for export.

(Sec. 3, 63 Stat. 7, Pub. Law 33, 82d Cong.; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-5002; Filed, May 5, 1952; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 204—TITLE I MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

PREPAYMENT PREMIUMS

Section 204.4 (c) (5) is hereby amended to read as follows:

(5) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments which in any one calendar year exceed 15 percent of the original face amount of the mortgage, if made by the mortgagor during the period of the national emergency declared by the President to exist on May 27, 1941; or where the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity by the mortgagor during the period of such national emergency, provided the mortgagee submits to the Commissioner a certificate signed by the mortgagor certifying that the mortgage

has been paid in full without refinancing or otherwise creating any obligation or debt; *Provided further*, That notwithstanding the termination of such national emergency on April 28, 1952, this subparagraph shall be applicable to prepayments made prior to July 1, 1952, under the same conditions as if such national emergency had terminated on June 30, 1952; or

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. and Sup., 1703g. Interprets or applies sec. 102, Pub. Law 475, 81st Cong.)

Issued at Washington, D. C., April 29, 1952.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 52-5011; Filed, May 5, 1952; 8:46 a. m.]

Subchapter C—Mutual Mortgage Insurance

PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER THE INSURANCE CONTRACT

INSURANCE ENDORSEMENT

Section 222.4 (c) (5) is hereby amended to read as follows:

(5) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments which in any one calendar year exceed 15 percent of the original face amount of the mortgage, if made by the mortgagor during the period of the national emergency declared by the President to exist on May 27, 1941; or where the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity by the mortgagor during the period of such national emergency, provided the mortgagee submits to the Commissioner a certificate signed by the mortgagor certifying that the mortgage has been paid in full without refinancing or otherwise creating any obligation or debt for which the mortgagor or property owned by the mortgagor is liable: *Provided further*, That notwithstanding the termination of such national emergency on April 28, 1952, this subparagraph shall be applicable to prepayments made prior to July 1, 1952, under the same conditions as if such national emergency had terminated on June 30, 1952; or

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., April 29, 1952.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 52-5007; Filed, May 5, 1952; 8:46 a. m.]

Subchapter D—Multifamily and Group Housing Insurance

PART 243—COOPERATIVE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTAGEE UNDER INSURANCE CONTRACT

ADJUSTMENT PREMIUM ON INDIVIDUAL MORTGAGES

Section 243.6 (c) (5) is hereby amended to read as follows:

(5) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments which in any one calendar year exceed 15 percent of the original face amount of the mortgage, if made by the mortgagor during the period of the national emergency declared by the President to exist on May 27, 1941; or where the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity by the mortgagor during the period of such national emergency, provided the mortgagee submits to the Commissioner a certificate signed by the mortgagor certifying that the mortgage has been paid in full without refinancing or otherwise creating any obligation or debt for which the mortgagor or property owned by the mortgagor is liable: *Provided further*, That notwithstanding the termination of such national emergency on April 28, 1952, this subparagraph shall be applicable to prepayments made prior to July 1, 1952, under the same conditions as if such national emergency had terminated on June 30, 1952; or

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 114, Pub. Law 475, 81st Cong.)

Issued at Washington, D. C., April 29, 1952.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 52-5008; Filed, May 5, 1952; 8:46 a. m.]

Subchapter H—War Housing Insurance

PART 277—WAR HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

PREMIUMS

Section 277.3 (b) (5) is hereby amended to read as follows:

(5) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments which in any one calendar year exceed 15 percent of the original face amount of the mortgage, if made by the mortgagor during the period of the national emergency declared by the President to exist on May 27, 1941; or where the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity by the mortgagor during the period of such national emergency, provided the mortgagee submits to the Commissioner a certificate signed by the mortgagor certifying that the mortgage has been paid in full without refinancing or otherwise creating any obligation or debt for which the mortgagor or property owned by the mortgagor is liable: *Provided further*, That notwithstanding the termination of such national emergency on April 28, 1952, this subparagraph shall be applicable to prepayments made prior to July 1, 1952, under the same conditions as if such national emergency had terminated on June 30, 1952; or

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C. and Sup., 1742)

Issued at Washington, D. C., April 29, 1952.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 52-5010; Filed, May 5, 1952; 8:46 a. m.]

Subchapter K—Single-Family Project Loans, War Housing Insurance

PART 289—PROJECT AND INDIVIDUAL MORTGAGES; RIGHTS AND OBLIGATIONS OF MORTGAGEE

ADJUSTED PREMIUM CHARGE FOR INDIVIDUAL MORTGAGES

Section 289.5 (c) (5) is hereby amended to read as follows:

(5) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments which in any one calendar year exceed 15 percent of the original face amount of the mortgage, if made by the mortgagor during the period of the national emergency declared by the President to exist on May 27, 1941; or where the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity by the mortgagor during the period of such national emergency, provided the mortgagee submits to the Commissioner a certificate signed by the mortgagor certifying that the mortgage has been paid in full without refinancing or otherwise creating any obligation or debt for which the mortgagor or property owned by the mortgagor is liable: *Provided further*, That notwithstanding the termination of such national emergency on April 28, 1952, this subparagraph shall be applicable to prepayments made prior to July 1, 1952, under the same conditions as if such national emergency had terminated on June 30, 1952; or

(Sec. 607, 55 Stat. 61; 12 U. S. C. 1742)

Issued at Washington, D. C., April 29, 1952.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 52-5009; Filed, May 5, 1952; 8:46 a. m.]

Subchapter N—National Defense Housing Insurance

PART 295—NATIONAL DEFENSE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

PREPAYMENT PREMIUMS

Section 295.4 (c) (5) is hereby amended to read as follows:

(5) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments which in any one calendar year exceed 15 percent of the original face amount of the mortgage, if made by the mortgagor during the period of the national emergency declared by the President to exist on May 27, 1941; or where the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity by the mortgagor during the period of such national emergency: *Provided*, That the mortgagee submits to the Commissioner a certificate signed by the mortgagor cer-

tifying that the mortgage has been paid in full without refinancing or otherwise creating any obligation or debt: *Provided further*, That notwithstanding the termination of such national emergency on April 28, 1952, this subparagraph shall be applicable to prepayments made prior to July 1, 1952, under the same conditions as if such national emergency had terminated on June 30, 1952; or

(Sec. 907, as added by sec. 201, Public Law 139, 82d Cong.)

Issued at Washington, D. C., April 29, 1952.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 52-5012; Filed, May 5, 1952; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Amdt. 7 to Supplementary Regulation 15]

GCPR, SR 15—EXCEPTION FOR CERTAIN SERVICES

EXTENSION OF EXPIRATION DATE FOR SUSPENSION OF PRICE CONTROL ON CERTAIN SERVICE CHARGES IN CONNECTION WITH FRESH FRUITS, VEGETABLES, BERRIES, AND TREE NUTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 7 to Supplementary Regulation 15 is hereby issued.

STATEMENT OF CONSIDERATIONS

The reasons necessitating suspension of price controls of the rates, charges and compensation for services performed in connection with harvesting, preparing for market and marketing of fresh fruits, vegetables, berries, and tree nuts, as set forth in the Statement of Considerations accompanying Amendment 2 to Supplementary Regulation (SR) 15 to the General Ceiling Price Regulation (GCPR) continue to prevail. Accordingly, this amendment extends the suspension effected by Amendment 2 to and including November 4, 1952.

In the formulation of this amendment special circumstances have rendered consultation with industry representatives impracticable. However, it is the judgment of the Director of Price Stabilization that this amendment generally reflects the views of the industry.

In the judgment of the Director of Price Stabilization, this suspension from price control will effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Section 2 (a) (3) of Supplementary Regulation 15 to the General Ceiling Price Regulation is amended by deleting the phrase "to exceed a period of twelve (12) months from May 4, 1951" and substituting therefor "shall this suspension extend beyond November 4, 1952," so that section 2 (a) (3) shall read as follows:

(3) *Services in connection with fresh fruits, vegetables, berries, and tree nuts.* The provisions of the General Ceiling Price Regulation shall not apply to rates, fees, and charges for services performed in connection with harvesting; car and truck pre-cooling and top-icing; packing and pre-packaging; and buying and selling of fresh fruits, vegetables (except white flesh potatoes), berries, and tree nuts, pending formulation of regulations applicable generally to fresh fruits, vegetables, berries, and tree nuts, but in no event shall this suspension extend beyond November 4, 1952: *Provided, however*, That during the period of this suspension, persons performing these services shall maintain the current records required to be maintained by section 16 (b) of the General Ceiling Price Regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to Supplementary Regulation 15 to the General Ceiling Price Regulation shall become effective May 2, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MAY 2, 1952.

[F. R. Doc. 52-5116; Filed, May 2, 1952; 4:28 p. m.]

[Ceiling Price Regulation 22, Amdt. 6 to Supplementary Regulation 7]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 7—MODIFICATIONS AND ALTERNATIVE PROVISIONS FOR MANUFACTURERS OF CHEMICALS

TUNGSTATED PIGMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization General Order No. 2, this Amendment 6 to Supplementary Regulation 7 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation 7 provides for a ceiling price increase for manufacturers of tungstated pigments, who have experienced financial loss in the sale of these pigments due to an increase of 90 cents per pound in the cost of sodium tungstate which occurred in May, 1951.

The net amount of sodium tungstate used in the making of individual tungstated pigments ranges from as low as 50 percent to upwards of 100 percent of the total dry weight of these compounds; on average, however, the industry has asserted that the production of a pound of a tungstated pigment requires a pound of sodium tungstate. Consequently, the increase in the cost of sodium tungstate has had a very significant effect on the cost of production of the tungstated pigments and has in fact increased the costs of production above the ceiling prices of most of the pigments. Due to this fact several manufacturers of tungstated pigments have already sharply curtailed the size of their lines and at least one has discontinued production altogether.

Tungstated pigments are largely used in the manufacture of certain inks by the printing ink industry. To assure an adequate supply of tungstated pigments an adjustment in the ceiling prices of these pigments is necessary.

Tungstated pigments are manufactured by about 25 multi-line firms and have a current sales volume of only between three and four million dollars a year.

Since the industry's over-all earnings are above the minimum set forth in the industry earnings standard, consideration was given to adjusting the ceiling price for tungstated pigments to levels which will permit the industry to receive its average total costs of producing these pigments. After a study of the cost data of certain individual manufacturers of tungstated pigments, it was determined that an increase of $0.55 per pound of tungstated pigment was necessary to achieve this result.

This amendment, therefore, by adding a new section, section 8, to Supplementary Regulation 7, authorizes manufacturers of tungstated pigments to increase their ceiling prices for such pigments by $0.55 per pound of pigment. Likewise, section 7 (d) is amended to provide that manufacturers of tungstated pigments may retain their ceiling prices authorized by this amendment notwithstanding the fact that they have recalculated and put into effect ceiling prices for other commodities under Supplementary Regulation 17 or Supplementary Regulation 18 to Ceiling Price Regulation 22. Section 7 (d) also is amended to provide that a manufacturer must exclude sales of tungstated pigments and costs attributable to those chemicals in making calculations under Supplementary Regulation 17 or Supplementary Regulation 18 to Ceiling Price Regulation 22.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 7 to Ceiling Price Regulation 22 is amended in the following respects:

1. Add a new section designated as section 8, which reads as follows:

SEC. 8. *Tungstated pigments.* (a) This section applies to you if you manufacture tungstated pigments.

(b) Your ceiling prices for sales of tungstated pigments which you have otherwise determined under Ceiling Price Regulation 22 (exclusive of Supplementary Regulation 17 or Supplementary Regulation 18) are increased by fifty-five cents ($0.55) per pound of pigment.

2. Delete section 7 (d) and substitute the following:

(d) You may elect to retain your ceiling prices for your lead and zinc chemicals established by section 5 of this supplementary regulation, or for your co-

bait chemicals established by section 6 of this supplementary regulation, or for your tungstated pigments established by section 8 of this supplementary regulation, notwithstanding the fact that you have recalculated and put into effect your ceiling prices for your other commodities pursuant to Supplementary Regulation 17 or Supplementary Regulation 18 to Ceiling Price Regulation 22. If you elect to do so with respect to any of these chemicals, you must, in making your calculations under Supplementary Regulation 17 or Supplementary Regulation 18, exclude your sales of that chemical and your cost attributable to that chemical.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 6 to Supplementary Regulation 7 to Ceiling Price Regulation 22 is effective May 10, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MAY 5, 1952.

[F. R. Doc. 52-5134; Filed, May 5, 1952; 11:56 a. m.]

[Ceiling Price Regulation 31, Amdt 11]

CPR 31—IMPORTS

REPORTING UNDER SECTION 6 (B) OF CEILING PRICE REGULATION 31

Pursuant to the Defense Production Act of 1950, as amended, Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong., Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 11 to Ceiling Price Regulation 31 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment is designed to facilitate the processing by District Offices of this Agency of reports made under section 6 of Ceiling Price Regulation 31. Section 6 is the section that sets forth the method of calculating base period dollars and cents markups for importers who do not sell at retail and for wholesalers of imported commodities. That section also contains the reporting provisions for these sellers. Prior to this amendment under the provisions of CPR 31, the base period dollars and cents markup was reported to the National Office of the Office of Price Stabilization.

This amendment provides that all future reports under section 6 be furnished to the District Offices. It is planned that the reports will be processed by the District Offices which are, as a result of their location, better able to check the reports and to discuss with the persons reporting, any problems affecting them. An appropriate delegation of authority is being issued to the Directors of Regional Offices with authority to redelegate to the Directors of District Offices.

This amendment provides that the information supplied under section 6 shall be by registered letter.

In view of the procedural nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

The first full paragraph of section 6 (b) of CPR 31 is amended to read as follows:

(b) In every case where you calculate for the first time the dollar and cents markup per unit you are going to use or do use in determining the ceiling price of an imported commodity, you shall furnish the Office of Price Stabilization District Office in your area by registered letter the following information in duplicate:

(1) The commodity.

(2) The class of buyer.

(3) The dollar and cents markup per unit you are permitted to use under this regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective rate. This Amendment 11 to Ceiling Price Regulation 31 shall become effective May 10, 1952.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MAY 5, 1952.

[F. R. Doc. 52-5135; Filed, May 5, 1952; 11:57 a. m.]

[Ceiling Price Regulation 127, Amdt. 1]

CPR 127—BRASS AND BRONZE INGOTS

TRANSPORTATION CHARGE FOR BRASS OR BRONZE INGOT DELIVERED IN THE SELLER'S VEHICLE

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 127, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 127 permits a seller of brass and bronze ingots, who delivers such ingots long distances in his own vehicle, to make a transportation charge for his delivery.

Ceiling Price Regulation 127, in establishing ceiling prices for brass and bronze ingot, permitted transportation charges in excess of 35 cents per one hundred pounds to be made when such ingots were transported from the point of shipment to the buyer's receiving point in a common carrier. Information received from industry representatives in the formulation of this regulation indicated that sellers did not deliver brass and bronze ingots in their own vehicles to purchasers located at great distances. Since the ceiling prices set forth for these ingots included an allowance of 35 cents per one hundred pounds for transportation, which is sufficient to cover local deliveries, the regulation did not permit any transportation charge to be made when deliveries were made in the seller's vehicle.

It has come to the attention of this office that there is at least one seller of brass and bronze ingots, who does make deliveries in his own vehicles at great distances for which the motor common carrier charge for transportation exceeds 35 cents per one hundred pounds. This seller has substantial investment in his transportation equipment and would be unjustly penalized if not permitted to make a transportation charge equal to that which the buyer would have to pay to a motor common carrier. This amendment rectifies this situation by permitting a seller who delivers brass and bronze ingot in his own vehicles to make a transportation charge equal to the amount by which the transportation charge which would be made by a motor common carrier exceeds 35 cents per one hundred pounds.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

The last sentence of section 2 (a) of Ceiling Price Regulation 127 is amended to read as follows: "If brass and bronze ingot is transported from the point of shipment to the buyer's receiving point in a vehicle owned or controlled by the seller, and if the applicable published motor common carrier charge for such transportation is in excess of 35 cents per one hundred pounds, the seller may make a transportation charge equal to the amount by which such motor common carrier charge exceeds 35 cents per one hundred pounds."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective May 10, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MAY 5, 1952.

[F. R. Doc. 52-5136; Filed, May 5, 1952; 11:57 a. m.]

[Ceiling Price Regulation 143]

CPR 143—CEILING PRICES FOR CERTAIN PAPER AND PAPER PRODUCTS SOLD IN PUERTO RICO

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 143 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for certain paper and paper products sold in Puerto Rico. Article 2 of this regulation establishes ceiling prices for sales of wrap tissue paper and Article 3 establishes ceiling prices for sales of standard wrapping paper and grocers

and variety paper bags at the distributor and wholesaler levels.

Continental United States is the only source of supply of these articles. During the period from December 19, 1950 to January 25, 1951, the base period of the General Ceiling Price Regulation and Ceiling Price Regulation 9, quotations of higher prices in the United States were reflected in higher selling prices in Puerto Rico for inventories on hand. Ceiling Price Regulation 9 allows sellers to add to the direct cost of the commodity either the dollar and cents or the percentage margin received during the base period. Under this regulation, the high margins of profit of distributors were frozen and legalized. Such high margins are not representative of the margins customarily received by those sellers. This regulation will restore normal markups at the customary margins prior to Korea.

Wrap tissue paper. Wrap tissue paper is used by bakeries in Puerto Rico to comply with sanitary rules requiring that bread be wrapped before it is offered for sale. Prices of wrap tissue paper have increased to an extent where it has become a major item of cost in bread production.

Article 2 of this regulation establishes an over-all uniform markup of 20 percent over the sum of the direct cost, as defined in section 1.17 of the regulation, and additional charges for engraving and printing performed on the wrap tissue paper. Factors of cost not included in this section are not to be considered in establishing the direct cost. The regulation further requires distributors to mark, on their sales invoices, the ceiling price of the wrap tissue paper. The markup of intermediary sellers between the distributor and the bakeries must come from the 20 percent markup granted.

Standard wrapping paper and grocers and variety paper bags. Article 3 of this regulation establishes uniform markups at different levels of distribution. Ceiling prices for sales by distributors to wholesalers and at wholesale and by wholesalers at wholesale are computed on the basis of stated markups on direct cost as defined in section 1.17. The margins authorized will allow sellers of this commodity at those levels the customary margins received prior to Korea.

In formulating this regulation, the Director has consulted with the Industry Advisory Committee for Wrapping Paper and other industry representatives and has given full consideration to their recommendations. In his judgment, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

ARTICLE 1—GENERAL PROVISIONS

ARTICLE 2—WRAP TISSUE PAPER

ARTICLE 3—STANDARD WRAPPING PAPER AND GROCERS AND VARIETY PAPER BAGS

AUTHORITY: Sections 1.1 to 3.2 issued under sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE 1—GENERAL PROVISIONS

SECTION 1.1 *What this regulation does.* This regulation establishes ceiling prices on certain specified paper and paper products at various levels of distribution. These ceiling prices established by this regulation supersede the ceiling prices established under any other price regulations or orders previously issued by the Office of Price Stabilization.

SEC. 1.2 *Geographical application.* This regulation applies only in Puerto Rico.

SEC. 1.3 *Modification of ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or revise ceiling prices established under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 1.4 *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the procedures set forth in Price Procedural Regulation No. 1, Revised.

SEC. 1.5 *Taxes.* You may collect, in addition to your ceiling price, any tax upon or incident to a retail sale of any item or items covered by this regulation if you state the tax separately and if the statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

SEC. 1.6 *Transfer of business.* If the business, assets or stock-in-trade of any business, are sold or otherwise transferred after the effective date of this regulation, and the transferee carries on the business or continues to deal in the same types of commodities in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available to or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 1.7 *Notification and posting.*—(a) *Notification to purchasers, other than at retail.* On and after the effective date of this regulation, every person selling the commodities listed herein, except at retail, shall, with each delivery, supply the purchaser with a statement of his ceiling prices of the commodities at the time of delivery as follows: "Our ceiling price of this commodity determined under CPR 143, issued by the Office of Price Stabilization, is $_____ on sales to wholesalers", or "Our ceiling price of this commodity determined under CPR 143, issued by the Office of Price Stabilization, is $_____ on sales at wholesale", as the case may be. The provisions of this section do not, however, apply to wrap tissue paper. The notification to be given in connection with sales of wrap tissue paper is specified in section 2.2.

(b) *Posting.* On and after the effective date of this regulation every person offering to sell any listed commodity at retail shall display the ceiling and selling prices of such commodity in a manner plainly visible to and understandable by the purchasing public. The ceiling and selling prices may be displayed on the commodity itself or may be posted in a place in the establishment where the commodity is offered for sale.

SEC. 1.8 *Sales slips and receipts.* Every seller at retail of any listed commodity who has customarily given purchasers sales slips or receipts, shall continue to do so. Upon request from a purchaser, every seller of such commodity, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the name of each commodity sold including the grade, weight, quantity, size, style and other specification which affects the ceiling price, and the price received for it.

SEC. 1.9. *Single ceiling prices for different cost inventories.* Where this regulation establishes ceiling prices on the basis of cost plus markup, and you have purchased a commodity under separate invoices at different prices and have in your inventory identical items at different costs, your ceiling price for your entire inventory of identical items must be determined by one of the following methods. You must elect which of the three methods you will follow and must notify the Territorial Director of the Office of Price Stabilization in Puerto Rico, in writing, of your election. Once having made that election you may not change to another method until you are authorized in writing to do so by the Territorial Director. The term "cost" as it is used in this section means the cost which you are required to use in computing your ceiling price under the applicable provisions of this regulation.

(a) *Lowest cost.* Your ceiling price must be computed on the basis of the lowest cost.

(b) *First in-first out method.* You must compute the ceiling price for the

number of identical items in your inventory listed in the first invoice received on the basis of that invoice cost and then compute the ceiling price for the number of identical items corresponding to the number of identical items received under the next succeeding invoice, and so on in chronological order.

(c) *Weighted average.* You must compute your ceiling prices on the basis of your weighted average cost calculated as follows:

(1) Multiply each different cost by the number of identical units in your inventory having such cost. Add the products of the multiplication and divide this sum by the total number of identical items in the inventory. The quotient of this division is the weighted average cost. The weighted average cost as determined in the next preceding calculation must be used as the cost of all identical items in your inventory in recomputing weighted average cost.

(2) Whenever your cost increases or when your inventory is exhausted, you may recompute your ceiling price: When you receive a shipment at a lower cost than the shipment immediately preceding it, you must recompute your ceiling price.

"Identical items" as used in this section means items of a commodity which normally sell at the same price and are generally regarded in the trade as identical.

SEC. 1.10 *Records.* If you purchase listed commodities and sell them to wholesalers or at wholesale, you must preserve and keep available for inspection by the Director of Price Stabilization for a period of two years, complete and accurate records of every purchase and sale. These records must include, (a) the date of the sale or purchase, (b) the name and address of the seller or purchaser, (c) the price paid or received, (d) a description of the commodity sold or purchased, including its name, grade, weight, quantity, size, style, and other specification which affects the ceiling price, (e) the quantity sold or purchased. You are required to show all your records on request to any Office of Price Stabilization representative. In addition, you are required to furnish a written record of your ceiling prices for any or all listed items at the request of any Office of Price Stabilization representative.

SEC. 1.11 *Interpretations.* If you want an official interpretation of this regulation, you should write to the Territorial Counsel, Office of Price Stabilization, San Juan, Puerto Rico. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation No. 1.

SEC. 1.12 *Prohibitions and Violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically (but not in limitation of the above), you shall not, regardless of any contract or other obligation, sell, and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling price established by this regulation, and you shall make and preserve true and accurate records and reports, required by this regulation.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so. The Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 1.13 *Evasions.* Any means or devices which result in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This includes, but is not limited to means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up grading, tie-in agreements, trade understandings, change in the quality of the product, except when such change in quality takes place in compliance with a regulation issued by an agency of the United States or the Government of Puerto Rico, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 1.14 (a) *Price for more or less than unit specified.* The ceiling price for a quantity of a commodity which constitutes a fraction or multiple of the unit in terms of which the ceiling price is established by this regulation shall be proportionately computed unless otherwise provided.

(b) *Calculation of ceiling prices involving fractions.* Fractions of a cent remaining after calculation of ceiling prices on the total quantity sold shall be dropped if the fraction is less than one-half cent and may be increased to the nearest higher cent if the fraction is one-half cent or more.

SEC. 1.15 *Methods of delivery and terms of sale.* You are prohibited from changing your customary methods of delivery, terms, discounts, allowances, or price differential of commodities covered by this regulation, if such change results in a higher price, or less service at the same price.

SEC. 1.16 *Cross sales.* If you are a wholesaler and purchase any of the commodities covered by this regulation from another wholesaler, your ceiling price shall be no higher than the ceiling price established by this regulation for the wholesaler making the sale to you.

SEC. 1.17 *Direct cost.* Direct cost, as used in this regulation, means and is limited to the sum of the following amounts:

(a) An amount equal to the selling price of the distributor's customary supplier, less all discounts, commissions and allowances except the discount for prompt payment.

(b) An amount equal to charges for forwarding, ocean freight, war risk and marine insurance actually incurred.

(c) An amount equal to excise or customs duty actually paid. Direct cost in every case must be figured on purchases of a customary quantity from a customary type of supplier. The direct cost for purchases of a non-customary quantity or from a non-customary type of supplier must be figured on the basis of the latest purchase of a customary quantity from a customary type of supplier.

SEC. 1.18 *Definitions and explanations.* (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, or their legal successors or representatives, and the United States or any other Government or their political subdivisions or agencies.

(b) "Records" means books of account, sales logs, sales slips, order vouchers, contracts, receipts, invoices, bills of lading and other papers and documents.

(c) "Distributor" means a person who imports a particular commodity to Puerto Rico from a supplier in the continental United States.

(d) "Sale to wholesaler" means a sale by the first distributor of a commodity to a wholesaler.

(e) "Sale at wholesale" means a sale to a retailer or to a commercial, industrial, institutional or governmental user. A person who in the regular course of trade or business makes sales at wholesale is a wholesaler.

(f) "Sale at retail" means a sale to an ultimate consumer. A person who in the regular course of trade or business makes sales at retail is a retailer.

(g) "Ultimate consumer" means a person who buys a particular commodity for his own consumption or that of his household. The term also refers to commercial, industrial, institutional or governmental users when such users buy listed commodities from retailers who have always sold such commodities at retail prices without regard to the class of purchaser.

(h) The pronoun "you", as used in this regulation, indicates the person subject to the regulation.

(i) A "listed commodity" means any commodity the ceiling price of which is fixed by this regulation.

ARTICLE 2—WRAP TISSUE PAPER

SEC. 2.1 *Definitions.* "Wrap tissue paper" means a specially sized sheet of unbleached kraft paper designed for use as a sanitary wrap for bakery products.

SEC. 2.2 *Ceiling prices.* If you are a seller of wrap tissue paper, your ceiling price is the sum of the following amounts, multiplied by 1.20:

(a) The direct cost to the distributor, as defined in section 1.17 of this regulation.

(b) An amount equal to additional charges, separately itemized by the distributor's customary supplier in the invoice, for engraving and printing performed on wrap tissue paper at the request of the purchaser. Each distributor or other reseller of wrap tissue paper must indicate in the sales invoice the ceiling price for the wrap tissue paper, as follows: "The ceiling price for the sale of this wrap tissue paper is $____ per ____ as determined under CPR 143, issued by the Office of Price Stabilization." On subsequent sales of the wrap tissue paper, the price charged must not be higher than the ceiling price indicated in the sales invoice given to the seller by the supplier from whom he purchased such paper. Section 1.7 does not apply to sales of wrap tissue paper.

ARTICLE 3—STANDARD WRAPPING PAPER AND GROCERS AND VARIETY PAPER BAGS

SEC. 3.1 *Definitions.* (a) "Standard wrapping paper" means any unbleached kraft paper containing 90 percent or more of bleached or unbleached kraft fiber, 25 pounds basis weight or over, generally sold in the form of counter rolls and sheets or industrial rolls for miscellaneous wrapping.

(b) "Grocers and variety paper bags" means any unbleached kraft paper bags machine finished containing 90 percent or more of unbleached kraft fiber, 30 pounds basis weight and up for use as grocers bags, shopping sacks, or variety bags generally used by retail stores for packing commodities such as, but not limited to, groceries, millinery, notions, garments, bottles of liquor, etc.

SEC. 3.2 *Ceiling prices.* (a) If you are a distributor selling standard wrapping paper or grocers and variety paper bags to a wholesaler, your ceiling price is your direct cost, as determined under section 1.17, multiplied by 1.07.

(b) If you are a distributor selling standard wrapping paper or grocers and variety paper bags at wholesale, your ceiling price is your direct cost, as determined under section 1.17, multiplied by 1.23.

(c) If you are a wholesaler selling standard wrapping paper or grocers and variety paper bags at wholesale, your ceiling price is the cost to you from your supplier, multiplied by 1.15.

Effective date. This Ceiling Price Regulation 143 is effective May 10, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MAY 5, 1952.

[F. R. Doc. 52-5137; Filed, May 5, 1952; 11:57 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 101]

GCPR, SR 101—HARDWOOD CHARCOAL

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 101 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation increases producers ceiling prices on sales of hardwood charcoal in accordance with an industry-wide price adjustment factor. At present all hardwood charcoal products have ceiling prices established under the General Ceiling Price Regulation, modified in some instances by adjustments permitted under General Overriding Regulations 10 or 21. This supplementary regulation does not apply to producers' sales of the by-products of hardwood distillation.

In addition to its well known and specialized uses as a fuel, hardwood charcoal has important defense uses in the production of castings and parts for tanks and other vehicles, and in the production of essential chemicals and explosives. As a result of the defense effort, the industry is faced with an increased demand for its principal product. For many years prior to the present emergency, the industry had been declining, as evidenced by a substantial decrease in production and by numerous financial reorganizations. The producers are few in number and most of them are relatively small companies. Materials and labor are major items of cost.

A financial survey was recently conducted by the Office of Price Stabilization of a number of representative charcoal producing companies in an effort to determine whether or not present ceiling prices permit the industry as a whole to receive a return in accordance with the industry earnings standard announced by the Economic Stabilization Agency. Briefly, this standard requires adjustments in ceiling prices to be made where the present ceiling prices do not permit the current dollar profits of an industry to amount to 85 percent of the average for the industry's best three years during the period 1946–49, inclusive.

On the basis of the earnings, net worth and sales figures reported by the companies sampled, which were adjusted to exclude by-products and all noncharcoal operations, and to reflect recent increases in wood and labor costs to the industry, it was determined that the standard would be met by a 10 percent upward adjustment of ceiling prices for sales of hardwood charcoal. This regulation therefore increases the present ceiling prices of each producer for sales of hardwood charcoal by 10 percent. The ceiling prices of by-products of hardwood charcoal operations are not affected.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended.

In the formulating of this regulation there has been consultation with industry representatives, including trade association representatives and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Continued applicability of the General Ceiling Price Regulation.
3. Definition.

AUTHORITY: Section 1 to 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 802, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* (a) This supplementary regulation applies to you if you produce hardwood charcoal and sell such hardwood charcoal in any of the 48 states of the United States or in the District of Columbia.

(b) Your ceiling price for the sale in any of the 48 states of the United States or in the District of Columbia of any type and grade of hardwood charcoal is hereby established in an amount equal to your ceiling price for such sale in effect on May 10, 1952 plus ten per cent of that ceiling price.

SEC. 2. *Continued applicability of the General Ceiling Price Regulation.* All the provisions of the General Ceiling Price Regulation, including, but not limited to, its penalty and prohibition provisions, continue to apply to you except insofar as they are modified by this supplementary regulation.

SEC. 3. *Definition.* "Hardwood charcoal" means the amorphous carbon products obtained by the incomplete combustion of hardwoods. Processed forms of charcoal, such as briquets are included. As used in this supplementary regulation the term does not include by-products of hardwood distillation such as, for example, pyroligneous acid, acetic acid, acetate of lime, methyl alcohol, wood oils and wood tar products.

Effective date. This Supplementary Regulation to the General Ceiling Price Regulation is effective May 10, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MAY 5, 1952.

[F. R. Doc. 52-5140; Filed, May 5, 1952; 11:58 a. m.]

[General Overriding Regulation 8, Amdt. 4]

GOR 8—PAPER, PAPERBOARD, CONVERTED PAPER, AND PAPERBOARD PRODUCTS, ALLIED PRODUCTS AND SERVICES

SUSPENSION FROM PRICE CONTROL OF MANUFACTURERS' SALES OF CELLULOSE DRY MATS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Agency Order No. 2, this Amendment to General Overriding Regulation 8 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment suspends from price controls manufacturers' sales and deliveries of cellulose dry mats. These mats are made from absorbent paper and serve as molds for casting printing plates.

There are 4 United States manufacturers of cellulose dry mats who annually supply approximately 1,600 newspaper publishers and several hundred commercial stereotypers with about 18,500 tons of mats. In 1950 the sales of dry mats amounted to about 6 million dollars.

The newspaper industry has, within the last two years been encouraged by the National Production Authority to conserve newsprint paper and has accomplished this in part by the use of narrower rolls of paper. In order to use narrower rolls, however, without reducing the size of the newspaper columns or making changes in composing room equipment, it was necessary that the cellulose dry mat industry develop a controlled high-shrinkage mat. The mat which is now undergoing development permits newspapers to utilize their standard equipment to prepare the matrix which is then shrunk to make the narrower printing plates.

The manufacture of dry mats which will meet the shrinkage and other specifications of the individual users has required dry mat manufacturers to decrease the speed of their machines and to also enter upon a continuing program of research. These changes have created problems of determining ceiling prices for new and changed items. In addition, the changes caused increases in costs of production which, with other cost increases, might necessitate industry studies to determine whether a change in the level of ceiling prices is required under OPS standards.

Under these circumstances the Director finds the administrative burdens on OPS and the producers of maintaining price ceilings are disproportionate to the benefits to be gained thereby. Exemption of these mats will not be likely to result in diversion of manpower or materials from more essential uses or cause difficulty in maintaining controls in other areas. This action will not have an inflationary effect. Although it has been estimated that prices for dry mats will go up approximately 15 per cent, dry mats themselves are an insignificant cost factor in the printing of newspaper, and the use of the new type mat will assist newspaper publishers in their efforts to reduce their consumption of newsprint, a principal factor in their cost of production.

The Director of Price Stabilization finds that Amendment 4 to the General Overriding Regulation 8 is generally fair and equitable and in his judgment is necessary and proper to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended. In the formulation of this amendment there has been consultation with all four members of the industry, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 8 is amended in the following respect:

1. Section 1 (b) is amended by the addition of subparagraph (1) to read as follows:

(1) Sales of cellulose dry mats by manufacturers are suspended from price control.

2. Section 2 (a) is amended by the addition of subparagraph 6 after subparagraph 5 to read as follows:

(6) "Cellulose dry mat" is an absorbent paperboard made from mechanical or chemical wood pulp and may or may not have some rag or wastepaper content. Controlled moisture content and controlled shrinkability are important properties. It is used solely for making a mold used in the casting of printing plates.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 4 to General Overriding Regulation 8 shall become effective May 10, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MAY 5, 1952.

[F. R. Doc. 52-5141; Filed, May 5, 1952; 11:58 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Reg. 4, Direction 2—Revocation]

REG. 4—MAINTENANCE, REPAIR AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

DIR. 2—REPLACEMENT PARTS AND ACCESSORIES FOR EXPORT

REVOCATION

Direction 2 to NPA Reg. 4, as amended June 25, 1951 (16 F. R. 6034), which by its terms was not in effect after July 1951, is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Direction 2 to NPA Reg. 4, as originally issued or as amended, nor deprive any person of any rights received or accrued under said direction prior to August 1, 1951.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is issued May 5, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-5132; Filed, May 5, 1952; 11:06 a. m.]

Chapter IX—Petroleum Administration for Defense, Department of the Interior

[PAD Order No. 6]

PAD 6—LIMITATIONS ON AVIATION GASOLINE

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order consultation with certain representatives of the aviation transportation industry has been held to the extent practicable considering the necessity for immediate action. Consultation on a more general basis with either petroleum or aviation transportation industry representatives has been rendered impracticable due to the need for immediate action. Detailed consultations as to the order and its provisions have also been held with representatives of the Armed Forces, the Civil Aeronautics Board and the Civil Aeronautics Administration.

Sec.

AUTHORITY: Sections 1 to 14 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret of apply sec. 101, 64 Stat. 799, as amended; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *Nature of this order and what it does.* (a) The purpose of this order is to conserve, for military and other essential uses, the supply of aviation gasoline. This order establishes a limitation on the acceptance of deliveries of aviation gasoline by carriers and non-carriers. This order also prohibits the exportation of aviation gasoline to foreign countries without the permission of the Petroleum Administration for Defense.

(b) This order is necessarily technical and for that reason care must be exercised in examining the provisions of the order. Certain definitions are especially important, such as the definition of "carrier", "air carrier aircraft", "foreign carrier", "non-carrier", "base period quota", and "allocation period." With a thorough understanding of the scope of these definitions, the full significance of the order can more readily be obtained.

(c) Sections 3, 4, 5, 6, and 7 contain the most important limitation provisions. These sections are of special importance to the aviation transportation industry. In sections 3, 4 and 5 references are made to Schedules A, B, and C. The matters covered by these

schedules have been handled separately rather than in the body of the order so that the order may be rapidly changed to meet changing supply conditions in aviation gasoline. In operating under the order, the aviation transportation industry should pay special attention to any changes which may occur in these schedules.

SEC. 2. *Definitions.* (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other Government, or any of its political subdivisions, or any agency of the foregoing.

(b) "Carrier" means any person who operates air carrier aircraft.

(c) "Air carrier aircraft" means aircraft (1) used by the holder of a Certificate of Convenience and Necessity issued under section 401 of the Civil Aeronautics Act of 1938, as amended, or (2) having a maximum certificated take-off weight of 12,500 pounds or more, and used by the holder of an air carrier operating certificate issued under Part 42 of the Civil Air Regulations (14 CFR Part 42) or by the holder of a commercial operator certificate issued under Part 45 of such regulations (14 CFR Part 45).

(d) "Foreign carrier" means any person, including a foreign flag carrier, who operates aircraft primarily pursuant to the authority of a government other than the United States, which aircraft have been or may be operated into the United States.

(e) "Non-carrier" means any person, except the United States, any agency thereof or a foreign carrier, who operates any aircraft other than an air carrier aircraft.

(f) "Aviation gasoline" means a fuel suitable for use in reciprocating engines for aircraft.

(g) "Export" means any delivery of aviation gasoline which requires Bureau of Customs clearance from the United States to a destination outside the United States.

(h) "Base period quota" means (1) in the case of a carrier or non-carrier, the quantity of aviation gasoline used by each such carrier or non-carrier in his operations during the period March 1, 1952 through March 31, 1952, inclusive, or (2) in the case of a foreign carrier, the quantity of aviation gasoline purchased by each such foreign carrier in the United States for operating purposes during the period March 1, 1952 through March 31, 1952, inclusive.

(i) "Allocation period" means a period of twenty-eight consecutive days commencing with the effective date of this order and shall consist of four consecutive periods of seven days each, the first such consecutive period to commence simultaneously with the commencement of the allocation period.

(j) "United States" means the United States, its territories, and possessions.

(k) "PAD" means the Petroleum Administration for Defense.

SEC. 3. *Limitations on distribution to carriers.* (a) It is the purpose of this section to effect a reduction in the quantity of aviation gasoline which may be procured by carriers during the twenty-eight days immediately following the effective date of this order. Paragraphs 3 (b) and 3 (c) of this section set forth the rules by which this reduction is accomplished. In general, each carrier may acquire not more than a certain percentage (specified in Schedule A) of the aviation gasoline which he used in March of 1952 for use in the twenty-eight days following the effective date of the order. In general, also, each carrier will be permitted to acquire on a seven-day basis a proportionate share of this total quantity provided the amount procured in each seven-day period does not exceed 30 percent of the total to which he is entitled in the entire twenty-eight day period.

(b) During the allocation period, no carrier may accept delivery of aviation gasoline in a total quantity in excess of the quantity determined by applying the percentage set forth in Schedule A to the base period quota of such carrier. The quantity so determined as to which delivery may be accepted shall be known as the allocated quantity.

(c) During each consecutive seven-day period forming a part of the allocation period, no carrier may accept delivery of aviation gasoline in a total quantity in excess of 30 percent of the allocated quantity to which such carrier is entitled.

(d) No carrier may accept delivery of or use aviation gasoline for any purpose other than in conformity with Schedule A.

SEC. 4. *Limitations on distribution to non-carriers.* (a) It is the purpose of this section to effect a reduction in the quantity of aviation gasoline which may be procured by non-carriers during the twenty-eight days immediately following the effective date of this order. Paragraphs (b) and (c) of this section, set forth the rules by which this reduction is accomplished. In general, each non-carrier may acquire not more than a certain percentage (specified in Schedule B) of the aviation gasoline which he used in March of 1952 for use in the twenty-eight days following the effective date of the order. In general, also, each non-carrier will be permitted to acquire on a seven-day basis a proportionate share of this total quantity provided the amount procured in each seven-day period does not exceed 30 percent of the total to which he is entitled in the entire twenty-eight day period. Each non-carrier is also restricted as to the uses to which he may put the aviation gasoline so procured.

(b) During the allocation period, no non-carrier may accept delivery of aviation gasoline in a total quantity in excess of the quantity determined by applying the percentage set forth in Schedule B to the base period quota of such non-carrier. The quantity so determined as to which delivery may be accepted shall be known as the allocated quantity.

(c) During each consecutive seven-day period forming a part of the allocation period, no non-carrier may accept delivery of aviation gasoline in a total quantity in excess of 30 percent of the allocated quantity to which such non-carrier is entitled.

(d) No non-carrier may accept delivery of or use aviation gasoline for any purpose other than in conformity with Schedule B.

SEC. 5. *Limitations on distribution to foreign carriers.* (a) It is the purpose of this section to effect a reduction in the quantity of aviation gasoline which may be procured by a foreign carrier in the United States for use in flight operation during the twenty-eight days immediately following the effective date of this order. Paragraphs (b) and (c) of this section set forth the rules by which this reduction is accomplished. In general, each foreign carrier may acquire not more than a certain percentage (specified in Schedule C) of the aviation gasoline which he purchased in the United States in March of 1952 for use in the twenty-eight days following the effective date of the order. In general, also, each foreign carrier will be permitted to acquire on a seven-day basis a proportionate share of this total quantity provided the amount procured in each seven-day period does not exceed 30 percent of the total to which he is entitled in the entire 28-day period.

(b) During the allocation period, no foreign carrier may accept delivery in the United States of aviation gasoline in a total quantity in excess of the quantity determined by applying the percentage set forth in Schedule C to the base period quota of such foreign carrier. The quantity so determined as to which delivery may be accepted shall be known as the allocated quantity.

(c) During each consecutive seven-day period forming a part of the allocation period, no foreign carrier may accept delivery in the United States of aviation gasoline in a total quantity in excess of 30 percent of the allocated quantity to which such foreign carrier is entitled.

(d) No foreign carrier may accept delivery of or use aviation gasoline procured in the United States for flight operation within or from the United States for any purpose other than in conformity with Schedule C.

SEC. 6. *Restrictions on deliveries and certification.* (a) No person may deliver or otherwise supply, and no carrier, non-carrier or foreign carrier may accept delivery of, any aviation gasoline unless a certification is provided to the person effecting such delivery or other supply by the carrier, non-carrier or foreign carrier accepting the delivery.

(b) The certification shall be in writing and in the following form:

Delivery certified to be in conformity with PAD Order No. 6.

(Authorized Official)

(c) The certification must be signed by the person placing the order or by a responsible individual who is duly authorized to sign for that purpose. The signature must be either by hand or in the form of a rubber stamp or other facsimile reproduction of a handwritten

signature. If a facsimile signature is used, the individual who uses it must be duly authorized in writing to use it for this purpose by the person whose signature it is, and a written record of the authorization must be kept.

(d) The certificate when duly made constitutes a representation to the supplier and to PAD that the carrier, noncarrier, or foreign carrier accepting delivery of aviation gasoline will accept and use such delivery only in conformity with the provisions and limitations of this order.

SEC. 7. *Limitation on aviation gasoline exports.* No person shall undertake the export of any aviation gasoline (including the movement of aviation gasoline into the Dominion of Canada), other than as necessitated by flight operation of aircraft, unless such person shall first have obtained certification from the Petroleum Administration for Defense that such export is in conformity with the purpose and intent of this order. Application for such certification shall be in writing (see section 10 (b)) and shall set forth all pertinent facts relating to the proposed transaction.

SEC. 8. *Application for adjustments.* Any person affected by any provision of this order may make a request for adjustment or exception to the Petroleum Administration for Defense upon the ground that any provision of this order or instruction or directive issued hereunder, works undue or exceptional hardship upon him, not suffered generally by his competitors, or others similarly situated, in the same trade or industry, or that its application to him would not be in the interest of national defense or the public interest. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought and shall state the justification therefor. An original and two copies of each request shall be submitted. If time does not permit the submission of a request in writing, it may be made by more expeditious means and shall set forth as fully as possible the pertinent facts, nature of relief sought and the justification for the relief.

SEC. 9. *Records and reports.* (a) Each person covered by this order shall retain in his possession for at least two years records in sufficient detail to permit an audit to determine that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be maintained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available, at the usual place of business where maintained, for inspection and audit by duly authorized representatives of PAD.

(c) Persons subject to this order shall make such records and submit such reports to PAD as it shall require, subject to the terms of the Federal Reports Act of 1942 (56 Stat. 1078, 5 U. S. C., secs. 139–139f).

SEC. 10. *Communications.* (a) Communications concerning any section except section 7 of this order shall be addressed to the Refining Division, Petroleum Administration for Defense, Department of the Interior, Washington 25, D. C., Ref.: PAD Order 6.

(b) Communications concerning section 7 of this order shall be addressed to the Foreign Supply and Transportation Division, Petroleum Administration for Defense, Department of the Interior, Washington 25, D. C., Ref.: PAD Order 6.

SEC. 11. *Defense against claims for damages.* No person shall be held liable for damages or penalties for any act or failure to act resulting directly or indirectly from his compliance with this order, or amendments thereto, so long as this order and its amendments shall remain in force, notwithstanding that this order, or any amendment thereto, or any part thereof, shall hereafter be declared invalid by judicial or other competent authority.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both. Administrative action may be taken against such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

SEC. 13. *Directives.* PAD may from time to time issue in connection with this order additional orders or directives as to the receipt, use or delivery of aviation gasoline.

SEC. 14. *Effective date.* This order is issued this 3d day of May 1952, and shall become effective at 3:01 a. m., e. s. t., May 6, 1952.

OSCAR L. CHAPMAN,
Secretary of the Interior and
Petroleum Administrator for Defense.

SCHEDULE A—RULES WITH RESPECT TO CARRIERS

This schedule is divided into two parts. The first part contains the percentage to be applied pursuant to section 3 of the order. The second part states the purpose for which aviation gasoline may be used pursuant to that same section of the order.

Part 1: Percentage. The percentage to be applied pursuant to section 3 of the order is sixty-five (65) percent.

Part 2: Purpose. Aviation gasoline may be accepted or used for any purpose which a carrier may undertake pursuant to authorization from duly constituted legal authority.

SCHEDULE B—RULES WITH RESPECT TO NON-CARRIERS

This schedule is divided into two parts. The first part contains the percentage to be applied pursuant to section 4 of the order. The second part states the purpose for which aviation gasoline may be used pursuant to that same section of the order.

Part 1: Percentage. The percentage to be applied pursuant to section 4 of the order is sixty-five (65) percent.

Part 2: Purpose. Aviation gasoline may be accepted or used for any of the following itemized uses which a non-carrier may undertake pursuant to authorization from duly constituted legal authority:

A. Any use in connection with an activity related to the training and maintenance of the proficiency of airmen, fixed base or charter operations, or the Civil Air Patrol.

B. Any other use, including military, agricultural, health, governmental, commercial, or industrial, except the use of aircraft primarily for pleasure or sport activities.

SCHEDULE C—RULES WITH RESPECT TO FOREIGN CARRIERS

This schedule is divided into two parts. The first part contains the percentage to be applied pursuant to section 5 of the order. The second part states the purpose for which aviation gasoline may be used pursuant to the same section of the order.

Part 1: Percentage. The percentage to be applied pursuant to section 5 of the order is sixty-five (65) percent.

Part 2: Purpose. Aviation gasoline may be accepted or used for any purpose which a foreign carrier may undertake pursuant to authorization from duly constituted legal authority.

[F. R. Doc. 52–5118; Filed, May 5, 1952; 10:39 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In Part 3, § 3.49 is revised to read as follows:

§ 3.49 *Validity of marriage.* The term "marriage" or "remarriage," for compensation or pension purposes, means a marriage valid under the law of the place where the parties resided at the time of marriage or the law of the place where the parties resided when the right to compensation or pension accrued. See 38 U. S. C. 199 and 505a. A marriage may not be recognized as valid until it is shown that prior marriages have been dissolved. Proof of marriage shall consist of the best evidence obtainable, and the burden of proof is upon the claimant. Responsibility for determining whether the claimant has met such burden is that of the Veterans' Administration.

2. Section 3.89 is revised to read as follows:

§ 3.89 *Presumptive service-connection for diseases listed in the second proviso, section 200, World War Veterans' Act, 1924, as amended.* The presumption of incurrence for the diseases listed in the second proviso, section 200, World War Veterans' Act, 1924, as amended, applies under Public No. 141, 73d Congress, except where clear and unmistakable evidence discloses that the disease, injury, or condition had inception before or after the period of active military or naval service. The presumption is not applicable in cases where the disability is due to the willful misconduct of the veteran. (See § 3.139 (h)).

(Sec. 200, 43 Stat. 615, as amended, sec. 27, 43 Stat. 524, 58 Stat. 752; 38 U. S. C. 471, 471a, ch. 12 note)

3. In Part 4, the centerhead immediately preceding § 4.64 is revised to read as follows: "Void or Voidable Marriage of Beneficiary"

4. Section 4.64 is revised to read as follows:

§ 4.64 *Void or voidable marriage—(a) Original awards.* In original awards, if the claimant's right to compensation or pension is affected by a purported marriage or remarriage which is void or voidable, the determination of entitlement notwithstanding the purported marriage or remarriage, and the effective date of an award based upon such determination shall be governed by the provisions of paragraph (c) of this section: Subject, however, to the date limitation, if any applicable, under the law granting the benefit.

(b) *Reopening of awards.* Where compensation or pension is properly discontinued by reason of marriage or remarriage, it shall not thereafter be recommenced—Public Law 483, 78th Congress (38 U. S. C. 505a)—unless authorized by statute, 38 U. S. C. 285, 364a, and 381a. (See §§ 4.4 (b) 4.6 (b), and 4.12 (b).) See also § 14.502 (e) of this chapter as to interpretation of phrase "properly discontinued."

(c) *Effective date.* The effective date of an award resuming payments otherwise proper in cases referred to in this section shall be the date the Veterans' Administration receives the evidence showing that the discontinuance of the award was not "proper." However, in no event will such award be made effective prior to the date the claimant ceased to cohabit with the other party to the void or voidable marriage. The determination as to whether it is proper to resume payments in these cases will be made by the solicitor's office (the solicitor or appropriate chief attorney)—see § 14.502 (d) and (e) of this chapter—except as otherwise provided by Veterans' Administration Regulations (see § 4.17).

5. In § 4.65, the introduction is amended to read as follows:

§ 4.65 *Certification of eligibility to loan guaranty benefits.* For the purposes of Title III, Servicemen's Readjustment Act of 1944 (Pub. Law 346, 78th Cong.), as amended by Public Law 268, 79th Congress, and section 301, Title III, Public Law 475, 81st Congress (Housing Act of 1950), which provides that loan guaranty benefits provided for veterans shall be extended to unremarried widows, the widow shall have basic eligibility if:

* * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective May 6, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-4999; Filed, May 5, 1952; 8:45 a. m.]

PART 3—VETERANS CLAIMS

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 3.236, paragraphs (c) (1), (2), and (3) and (d) (1) and (2) are amended to read as follows:

§ 3.236 *Special monthly compensation specified by or fixed pursuant to paragraph II, parts I and II, Veterans Regulation 1 (a), (38 U. S. C. ch. 12), as amended by Public Laws 182, 659, and 662, 79th Congress.* * * *

(c) *Intermediate rates fixed pursuant to law.* The authority contained in paragraph II (p), Part I, or the corresponding peacetime rate to allow the next higher rate or an intermediate rate will be administered as follows:

(1) With the anatomical loss, or loss of use, of one hand or one foot, and anatomical loss, or loss of use, of another extremity at a level or with complications preventing natural elbow or knee action with prosthesis in place, the rate will be $261 (or $208.80), and with additional disability (single permanent disabilities or combinations of permanent disabilities with the usual prohibition against pyramiding) independently ratable at 50 percent or more, the rate will be $282 (or $225.60), or with additional disability (single disabilities of permanent nature) independently ratable apart from any consideration of individual unemployability, at 100 percent, the rate will be $300 (or $240).

(2) With the anatomical loss, or loss of use, of one extremity at a level or with complications preventing natural elbow or knee action with prosthesis in place, and the anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance, the rate will be $300 (or $240), and with additional disability (single permanent disabilities or combinations of permanent disabilities with the usual prohibition against pyramiding) independently ratable at 50 percent or more, the rate will be $318 (or $254.40), or with additional disability (single disabilities of permanent nature) independently ratable apart from any consideration of individual unemployability, at 100 percent, the rate will be $339 (or $271.20).

(3) With the anatomical loss, or loss of use, of one hand or one foot, and the anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance, the rate will be $282 (or $225.60), and with additional disability (single permanent disabilities or combinations of permanent disabilities with the usual prohibition against pyramiding) independently ratable at 50 percent or more, the rate will be $300 (or $240), or with additional disability (single disabilities of permanent nature) independently ratable apart from any consideration of individual unemployability, at 100 percent, the rate will be $318 (or $254.40).

* * * * *

(d) *Ratings for specific conditions—(1) Rating of binocular blindness of different degrees.* (i) With blindness of one eye with 5/200 visual acuity or less and blindness of the other eye having only light perception, the rate will be $261 (or $208.80), and with additional disability (single permanent disabilities or combinations of permanent disabilities with the usual prohibition against pyramiding) independently ratable at 50 percent or more, the rate will be $282 (or $225.60), or with additional disability (single disabilities of permanent nature) independently ratable apart from any consideration of individual unemployability, at 100 percent, the rate will be $300 (or $240).

(ii) With blindness of one eye having only light perception and anatomical loss, or blindness, having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement, of the other eye, the rate will be $300 (or $240), and with additional disability (single permanent disabilities or combinations of permanent disabilities with the usual prohibition against pyramiding) independently ratable at 50 percent or more, the rate will be $318 (or $254.40), or with additional disability (single disabilities of permanent nature) independently ratable apart from any consideration of individual unemployability, at 100 percent, the rate will be $339 (or $271.20).

(iii) With blindness of one eye having 5/200 visual acuity or less and anatomical loss, or blindness, having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement, of the other eye, the rate will be $282 (or $225.60), and with additional disability (single permanent disabilities or combinations of permanent disabilities with the usual prohibition against pyramiding) independently ratable at 50 percent or more, the rate will be $300 or ($240), or with additional disability (single disabilities of permanent nature) independently ratable apart from any consideration of individual unemployability, at 100 percent, the rate will be $318 (or $254.40).

(2) *Rating of blindness of both eyes having no light perception.* The rate under paragraph II (n), Part I, or the corresponding peacetime rate, $318 (or ($254.40) per month, will be assigned when there is a total blindness of both eyes having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement, and with additional disability (single permanent disabilities or combinations of permanent disabilities with the usual prohibition against pyramiding) independently ratable at 50 percent or more, the rate will be $339 (or $271.20), or with additional disability (single disabilities of permanent nature) independently ratable apart from any consideration of individual unemployability, at 100 percent, the rate will be $360 (or $288).

* * * * *

2. In § 3.1000, paragraph (b) is amended to read as follows:

§ 3.1000 *Spanish-American War.*
* * *

(b) *As to laws reenacted by Public No. 269, 74th Congress.* April 21, 1898,

to July 4, 1902, inclusive: *Provided*, That if the person was serving with the military forces engaged in hostilities in the Moro Province the period stated in this subparagraph shall extend to July 15, 1903 (sec. 1 (a), Pub. Law 108, 82d Cong.).

3. In § 3.1001, paragraph (b) is amended to read as follows:

§ 3.1001 *Boxer Rebellion.* * * *

(b) *As to laws reenacted by Public No. 269, 74th Congress.* Included in § 3.1000 (b).

4. In § 3.1002, paragraph (b) is amended to read as follows:

§ 3.1002 *Philippine Insurrection.* * * *

(b) *As to laws reenacted by Public No. 269, 74th Congress.* Included in § 3.1000 (b).

5. In § 3.1003, the title is amended to read as follows:

§ 3.1003 *Indian Wars.* (See also §§ 3.1009, 3.1014, and 3.1021.) * * *

6. The centerhead immediately preceding the cross reference and § 3.1017, is amended to read as follows: "Computation of Service."

7. In § 3.1017, the title is amended to read as follows:

§ 3.1017 *Spanish-American War, Boxer Rebellion, or Philippine Insurrection; Public No. 2, 73d Congress.* * * *

8. Section 3.1018 is revised to read as follows:

§ 3.1018 *Spanish-American War, Boxer Rebellion, or Philippine Insurrection; Public No. 141, 73d Congress, and Public No. 269, 74th Congress, as amended.* For service pension, service is to be computed only from the date of enlistment or the beginning of the war period, whichever is the later date. Service in the Moro Province before July 15, 1903, is pensionable, as to veterans only, prior to October 1, 1951, whether the pensioner was on the rolls March 19, 1933, or filed claim subsequent to that date. Service is exclusive of unauthorized leaves of absence and furloughs enumerated in § 3.59, except that leave under G. O. 130, War Department, is included as pensionable service under the acts of May 1, 1926, and June 2, 1930. Time under arrest, in the absence of acquittal or permission to resign without trial and conviction (time for which the soldier or sailor was determined to have forfeited pay by reason of absence without leave), time spent in desertion or while undergoing sentence of court martial, should be deducted. Time in a hospital, on sick furlough, or as a prisoner by the enemy is included. Records of the War or Navy Department are conclusive with respect to military or naval service as the basis of a pension claim, unless changed by special act of Congress. Title to pension, except under the act of June 5, 1920, is conditioned upon service during the period of any one of the wars named (Spanish-American War, Boxer Rebellion, or Philippine Insurrection), and fragmentary periods of service in two or more of these activities, which combined comprise the aggregate 70 days or 90 days, will not suffice. (However, under Pub. No. 594, 76th Cong., approved June 11, 1940, continuous active service entered into during the war with Spain, the Philippine Insurrection, or the China Relief Expedition shall be included although part of such continuous service extended into either the Philippine Insurrection or the China Relief Expedition.) Under section 30, Public No. 141, 73d Congress, service on a vessel after August 12, 1898, is pensionable if the veteran was subject to orders requiring his disembarkation and participation in the Philippine Insurrection, and military or naval service in the Philippine Insurrection or Boxer Rebellion is computed from the date of embarkation for the Philippine Islands or China. Under Public Law 108, 82d Congress, and for periods after September 30, 1951, in computing active service there shall be counted continuous active service which commenced prior to and extended into the applicable period specified in § 3.1000 (b) or which commenced within such applicable period. Fragmentary periods of active service within such applicable period may be added together to meet the statutory requirement as to length of service. (Sec. 1 (b) Pub. Law 108, 82d Cong.)

(Sec. 1, 44 Stat. 382, as amended, sec. 1, 46 Stat. 492, as amended, secs. 1, 30, 48 Stat. 8, 525, sec. 1, 49 Stat. 614, 54 Stat. 301, sec. 1, Pub. Law 108, 82d Cong.; 38 U. S. C. 351a, 364, 365, 366, 368, 701)

9. In § 3.1019, the title is amended to read as follows:

§ 3.1019 *Spanish-American War, Boxer Rebellion, or Philippine Insurrection; Veterans Regulation No. 1 (j) (38 U. S. C. ch. 12).* * * *

10. In § 3.1020, the title is amended to read as follows:

§ 3.1020 *Spanish-American War, Boxer Rebellion, or Philippine Insurrection; Public No. 541, 75th Congress (act of May 24, 1938).* * * *

11. In § 3.1025, paragraphs (q), (s), and (t) (1) are amended to read as follows:

§ 3.1025 *Jurisdiction of the claims division, central office.* * * *

(q) In cases under the jurisdiction of the division, including applicants for vocational rehabilitation under Public Law 16, 78th Congress, as amended, based upon active service in the Armed Forces of an Allied Government, determinations, when required, whether disabilities are service-connected and compensable for purposes of vocational rehabilitation.

* * * * *

(s) (1) Determining, upon proper request, service-connection for the condition or conditions for which outpatient treatment only is requested.

(2) Determining in cases under the jurisdiction of the division whether active psychosis is service connected under Public Law 239, 82d Congress, for the purpose of hospital and medical treatment, including outpatient treatment for a veteran of World War II or a veteran who served on or after June 27, 1950, and prior to the delimiting date contained in Public Law 28, 82d Congress.

(t) (1) In cases under the jurisdiction of the division, applications for automobiles and other conveyances for disabled veterans under Public Law 187, 82d Congress.

* * * * *

12. In § 3.1040, paragraph (a) is amended to read as follows:

§ 3.1040 *Types of discharges for service pension (Spanish-American War, Boxer Rebellion, Philippine Insurrection, Civil War, and Indian Wars)*—(a) *Honorable discharge.* An honorable discharge is a prerequisite for service pension, including pension on the basis of Indian war service, such pension being based upon the fulfillment of a contract for service as contemplated by the soldier's enlistment, and a person discharged under other than honorable conditions for concealing his minority at time of enlistment is not entitled to such pension, except as provided in § 3.61 (b). Pension is not payable unless the veteran was honorably discharged from all periods of service in the particular war concerned, except as provided in § 3.1041. However, effective from October 1, 1951, where entitlement is based upon service in the Spanish American War, Philippine Insurrection, or Boxer Rebellion, a discharge or release from active service under conditions other than dishonorable shall be a prerequisite to entitlement to service pension. (Sec. 1 (c), Pub. Law 108, 82d Cong.)

* * * * *

13. The centerhead immediately preceding § 3.1068 is amended to read as follows: "Evaluation of Disabilities"

14. In § 3.1068, the title and paragraph (a) are amended to read as follows:

§ 3.1068 *Public No. 269, 74th Congress; definition of disability.* (a) As Public Law 108, 82d Congress, establishes specific rates without regard to degree of disability except the rates specified for regular aid and attendance, helplessness, or blindness, no evaluation of disability except for regular aid and attendance, helplessness, or blindness from October 1, 1951, will be made. However, for periods prior to October 1, 1951, disability without regard to service-connection under Public No. 269, 74th Congress, will be evaluated in comparison with the degree of disability existing by reason of total inability to perform manual labor and for regular aid and attendance, helplessness, or blindness.

* * * * *

15. In § 3.1069, the title and paragraph (a) are amended to read as follows:

§ 3.1069 *Public No. 269, 74th Congress; ratings; effective dates of increases.* (a) Evaluation for periods prior to October 1, 1951, will be made on the following bases: 10, 25, 50, 75, 100 percent, regular aid and attendance, helplessness, or blindness.

* * * * *

16. In § 3.1070, the title is amended to read as follows:

§ 3.1070 *Public No. 269, 74th Congress; reductions.* * * *

17. Section 3.1080 is revised to read as follows:

§ 3.1080 *Pension laws in force on March 19, 1933, and as reenacted by section 30, Public No. 141, 73d Congress, and Public No. 269, 74th Congress.* As to increase of pension of all classes based upon the need of regular aid and attendance, helplessness, or blindness, the increased rating shall be effective from the date of inception of the requisite condition, as shown by the evidence or the date of the act authorizing the payment, whichever is the later date. However, for periods from October 1, 1951, the effective date of payments under Public Law 108, 82d Congress, the rate for regular aid and attendance, helplessness, or blindness will be effective from the date of claim or the date the evidence shows entitlement, whichever is the later.

(R. S. 4692, 4693, as amended, 4695, as amended, 4696, sec. 30, 48 Stat. 525, sec. 1, 49 Stat. 614; Pub. Law 108, 82d Cong.; 38 U. S. C. 151–154, 366, 368)

18. In § 3.1095, paragraph (a) is amended to read as follows:

§ 3.1095 *Medical examinations*—(a) *Examinations in original claims for pension or compensation.* (See also §§ 3.76 and 3.185.) In original claims for pension under Public No. 269, 74th Congress, as amended, filed on or after October 1, 1951, examination will not be authorized unless the application is accompanied by evidence indicating the need for regular aid and attendance, helplessness, or blindness.

* * * * *

19. In § 3.1107, the title is amended and paragraphs (a) and (b) are redesignated §§ 3.1107 and 3.1107a, respectively.

§ 3.1107 *Public No. 269, 74th Congress; effective date.* Commencement shall be from August 13, 1935, or the date of claim, whichever is the later, when entitlement is otherwise shown, as to claims filed on or after March 20, 1933, and not finally adjudicated. Any claim filed subsequent to March 19, 1933, under Public No. 2 or Public No. 141, 73d Congress, disallowed or abandoned may, upon written notice from the claimant or his representative, be revived at any time prior to August 13, 1936, and when entitlement is otherwise shown, payments under the provisions of the act of August 13, 1935, may commence from the date of the act.

(Sec. 1, 49 Stat. 614; 38 U. S. C. 368)

§ 3.1107a *Public No. 541, 75th Congress.* VA Form 526b is prescribed as the form on which claims under this act will be filed. However, where there is already on file a formal application for service pension and benefits are being paid, any writing signed by the veteran or in his behalf, claiming increased pension, will constitute a valid application under this act. Pension on account of attainment of age of 65 years will be effective from the date of receipt of a claim filed on or after the attainment of the beneficial age and on or after May 24, 1938. The rate for regular aid and attendance will be payable from the date of receipt of a claim, executed on or after May 24, 1938, and after the requisite condition is shown to exist.

(Sec. 1, 52 Stat. 440; 38 U. S. C. 370)

20. A new § 3.1107b is added as follows:

§ 3.1107b *Public Law 108, 82d Congress.* The rate for regular aid and attendance, helplessness, or blindness will be effective from the date of claim on or after October 1, 1951, or the date the evidence shows entitlement, whichever is the later. In connection with reports of physical examination, hospitalization, medical statements, etc., as informal claims, see § 3.216.

(Pub. Law 108, 82d Cong.)

21. Section 3.1108 is revised to read as follows:

§ 3.1108 *Rates of pension: Spanish-American War, Philippine Insurrection and/or Boxer Rebellion.* (a) Service pension is payable at rates as follows:

NOTE: The references to (1), (2), (3), and (4) in the table refer to subparagraphs (1), (2), (3), and (4) in this paragraph.

Item	Act of June 5, 1920, 90 days' service (1)	Act of May 1, 1926, 90 days' service or disability discharge (2)	Act of June 2, 1930, 90 days' service or disability discharge (3)	Act of June 2, 1930, 70 days' service	Act of May 24, 1938, 90 days' service or disability discharge (4)	Act of Mar. 1, 1944, 90 days' service or disability discharge	Act of Aug. 4, 1951, effective from Oct. 1, 1951; service of	
							70 days	90 days
Disability								
1/10: a	$12.00	$20.00	$20.00	$12.00	----------	----------		
b	14.40	24.00	24.00	14.40	----------	----------		
c	17.28	28.80	28.80	17.28	----------	----------		
1/4: a	15.00	25.00	25.00	15.00	----------	----------		
b	18.00	30.00	30.00	18.00	----------	----------		
c	21.60	36.00	36.00	21.60	----------	----------		
1/2: a	18.00	30.00	35.00	18.00	----------	----------	$60.00	$90.00
b	21.60	36.00	42.00	21.60	----------	----------		
c	25.92	43.20	50.40	25.92	----------	----------		
3/4: a	24.00	40.00	50.00	24.00	----------	----------		
b	28.80	48.00	60.00	28.80	----------	----------		
c	34.56	57.60	72.00	34.56	----------	----------		
Total: a	30.00	50.00	60.00 (3)	30.00	----------	$75.00 (3)		
b	36.00	60.00	----------	50.00	----------	----------		
c	43.20	72.00	----------	60.00	----------	90.00 (3)		
Regular aid and attendance, helplessness, or blindness:								
a	----------	$72.00	$72.00 (4)	$50.00	$100.00 (4)	----------	$78.00	$120.00
b	----------	86.40	86.40 (4)	65.00	----------	----------		
c	----------	103.68	103.68 (4)	78.00	120.00 (4)	----------		
Age								
62: a	$12.00	$20.00	$30.00	$12.00				
b	14.40	24.00	36.00	14.40				
c	17.28	28.80	43.20	17.28				
65: a	----------	----------	----------	----------	$60.00 (4)	$75.00 (4)		
b	----------	----------	----------	50.00				
c	----------	----------	----------	60.00	----------	90.00 (4)		
68: a	18.00	30.00	40.00 (4)	18.00				
b	21.60	36.00	48.00 (4)	50.00				
c	25.92	43.20	57.60 (4)	60.00				
72: a	24.00	40.00	50.00 (4)	24.00				
b	28.80	48.00	60.00 (4)	50.00				
c	34.56	57.60	72.00 (4)	60.00				
75: a	30.00	50.00	60.00 (3)	30.00	----------	$75.00 (3)		
b	36.00	60.00	----------	50.00				
c	43.20	72.00	----------	60.00	----------	90.00 (3)		

a Rates prior to Sept. 1, 1946.
b Rates from Sept. 1, 1946, Pub. Law 611, 79th Cong.
c Rates from Sept. 1, 1947, Pub. Law 270, 80th Cong. to Sept. 30, 1951.

NOTE: The foregoing rates are subject to the provisions of § 3.255. Where a veteran is furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration and is furnished nursing or attendant's service, for conditions other than blindness, the award of pension will be the amount authorized by the rating decision or attainment of beneficial age, or rate applicable under Pub. Law 108, 82d Cong., from Oct. 1, 1951, exclusive of any additional amount on account of the need of regular aid and attendance. This reduced rate of pension in such instances will be effective as of the beginning of the maintenance of the disabled veteran by the Veterans' Administration.

(1) While there was provision in the act of May 1, 1926, for increase to the rates provided in that act of persons being paid under the earlier act, there are certain claims based upon fragmentary periods of service in two or more of the activities, namely, Spanish-American War, Philippine Insurrection, and (not or) the China Relief Expedition, the total of which is 90 days or more. Such service is treated as though it comprised a single campaign. These cases which do not meet the service requirements of the later acts are pensionable at the rates provided by the act of June 5, 1920, as amended. Under Public Law 108, 82d Congress, the effect of section 1 (a) thereof is that as the war with Spain, etc., is thereby declared to extend over the entire period, the re-

quirement of continuous service in one of the three campaigns named, for at least 90 days, is eliminated. Fragmentary periods of service within the delimiting dates may be added in determining whether there was service of 70 or 90 days.

(2) Increases from the rates provided by the act of May 1, 1926, to those provided by the act of June 2, 1930, are effective from the date of application.

(3) The $60 rate for total disability and for age 75 years based upon 90 days' service under the act of June 2, 1930, was increased to $75 monthly effective from April 1, 1944, by Public Law 242, 78th Congress. The $75 rate was not increased by Public Law 611, 79th Congress, but was increased by Public Law 270, 80th Congress.

(4) For effective date of increases under the act of May 24, 1938, see § 3.1107a. Veterans whose pension is based upon 90 days' service in the Moro Province between July 5, 1902, and July 15, 1903, are not entitled to the rates for age 65 or aid and attendance as provided by the act of May 24, 1948, as amended, but the rates for 90 days' service as provided by the act of June 2, 1930, as amended, are applicable.

(Sec. 1, 41 Stat. 982, sec. 1, 44 Stat. 382 as amended, secs. 1, 3, 4, 46 Stat. 492 as amended, 493 as amended, sec. 1, 52 Stat. 440, sec. 1, 60 Stat. 863, sec. 1, 61 Stat. 610, Pub. Law 108, 82d Cong.; 38 U. S. C. 351, 352, 364, 365, 365b, 365c, 370, 370e, 370f)

22. Section 3.1110 is revised to read as follows:

§ 3.1110 *Rates of pension: Indian Wars.* Pension is payable at rates as follows:

Item	Rates on and after Sept. 1, 1937		Rates from date of claim filed on or after Mar. 3, 1944	
	To Feb. 29, 1948	From Mar. 1, 1948	To Feb. 29, 1948	From Mar. 1, 1948
Degree of disability:				
1/10	$20.00	$24.00	$20.00	$24.00
1/4	25.00	30.00	25.00	30.00
1/2	35.00	42.00	35.00	42.00
3/4	45.00	54.00	50.00	60.00
Total	55.00	66.00	60.00	72.00
Regular aid and attendance, helplessness, or blindness.	$72.00	$86.40	$100.00	$120.00
Age				
62	$25.00	$30.00	$30.00	$36.00
65			60.00	72.00
68	35.00	42.00		
72	45.00	54.00		
75	55.00	66.00		

NOTE: The foregoing rates are subject to the provision that the rate for blindness may be allowed, but that the rate for regular aid and attendance may not be allowed while the veteran is being maintained by the Veterans' Administration and to the provision of § 3.255.

(62 Stat. 4, sec. 1, 44 Stat. 1361, as amended, 50 Stat. 786, as amended; 38 U. S. C. 374a, 381, 381-1)

23. In § 3.1112, paragraph (a) is amended to read as follows:

§ 3.1112 *Rates of pension: Civil War.* (a) Pension is payable at rates as follows:

Minimum rate	Helplessness or blindness, or so nearly helpless or blind as to require the regular aid and attendance of another person
$75.00 [1]	$100.00
$90.00 [2]	120.00

[1] Rates prior to Sept. 1, 1947.
[2] Rates from Sept. 1, 1947, Pub. Law 270, 80th Cong.

NOTE: The foregoing rates are subject to the provision that the rate for blindness may be allowed, but that the rate for regular aid and attendance may not be allowed while the veteran is being maintained by the Veterans' Administration and to the provision of § 3.255.

* * * * *

24. A cross reference is added immediately preceding § 3.1117 as follows:

CROSS REFERENCE: *Increases.* See also §§ 3.214 and 3.216.

25. Section 3.1117 is revised to read as follows:

§ 3.1117 *Effective date.* Under the laws providing compensation for persons who served prior to April 21, 1898, the effective date of an award of increased compensation because of increased disability or need of frequent and periodical attendance will be from the date of receipt in the Veterans' Administration of the evidence by which the condition warranting the increase is shown to exist, but not earlier than the date of claim therefor nor prior to the date of enactment of the law upon which the benefit is based. Under the laws reenacted by Public No. 269, 74th Congress, the effective date of an award of increased disability will be from the date of receipt in the Veterans' Administration of the evidence by which the condition warranting the increase is shown to exist, but not earlier than the date of claim therefor nor prior to the date of reenactment of the law upon which the benefit is based; increased pension because of need of regular aid and attendance will be from the date of inception of the requisite condition, as shown by the evidence, or the date of the act authorizing the payment, whichever is the later date. However, for periods from October 1, 1951, the effective date of Public Law 108, 82d Congress, the rate for regular aid and attendance, helplessness, or blindness will be effective from the date of claim or the date the evidence shows entitlement, whichever is the later.

(Sec. 1, 49 Stat. 614; 38 U. S. C. 368)

26. In Part 4, § 4.1 is revised to read as follows:

§ 4.1 *General Law, application and scope; Service Act, definition*—(a) *General Law; application and scope.* For the purpose of laws authorizing the payment of death compensation, the term "General Law" includes all those laws commencing with the act of July 14, 1862, relating to the payment of compensation based on death due to service and in line of duty, incurred since March 4, 1861, excepting World War I legislation and the Veterans Regulations issued pursuant to the act of March 20, 1933. The General Law is presently effective to include all service rendered prior to April 21, 1898; and in cases based on service in the war with Spain, Boxer Rebellion, or Philippine Insurrection, to include July 4, 1902.

(b) *Service Act; definition.* For the purpose of laws authorizing the payment of death benefits, the term "Service Act" means any public act of Congress granting pension because of service alone, or because of service and disability.

27. A new § 4.55 is added as follows:

§ 4.55 *Contested claims*—(a) *Scope of term.* The provisions of this section are applicable to claims filed by two or more persons for the same benefit where the allowance of one claim would necessitate disallowance of the other claim. This includes claims alleging legal widowhood, and claims of two or more persons alleging to have been the last in the same parental line to have stood in place of a parent to the veteran, as well as claims for accrued compensation and pension where one claim is predicated on relationship and the other claim seeks reimbursement for the expenses of last sickness and burial.

(b) *Simultaneously contested claims.* (1) When entitlement of one claimant is tentatively determined, an award on behalf of that claimant will be tentatively approved, and the claim of the other person will be formally disallowed. The claimants and other interested persons will be notified of the action taken, and the person whose claim is disallowed will be allowed 60 days from the date of the letter of disallowance within which to file an appeal.

(2) If an appeal is timely filed and it is indicated that additional evidence is to be submitted, a period of 90 days will be allowed for the submission of such evidence. This period may be extended to 6 months for good cause shown. Upon the filing of an appeal, the other claimant will be notified, and when all evidence to support the appeal has been submitted by the appellant, the other claimant will be notified of the substance thereof and allowed 30 days within which to file a brief or argument in answer.

(3) If an appeal is not filed within the time allowed, the tentative award to the claimant whose title has been established will be finally approved.

(4) Notices as required by this section shall be forwarded to the parties in interest to the last known address of record. Paragraph X, Part II, Veterans Regulation 2 (a).

(c) *Contesting claim received after award is approved.* When a claim by a contesting claimant is received after the approval of an award, the evidence will be reviewed to determine whether payments should be suspended. If suspension is approved, the payee will be informed and action will then be taken in accordance with the procedure outlined in paragraph (b) of this section for simultaneously contested claims.

(Par. X, Part II, Vet. Reg. 2 (a); 38 U. S. C. ch. 12)

28. A new centerhead immediately following the cross reference and § 4.140 is added as follows: "Guardianship".

29. New §§ 4.145 through 4.154, inclusive are added as follows:

§ 4.145 *General.* Payment of benefits on behalf of a person who is mentally incompetent or who is a minor (other than a person who has been discharged from the military forces of the United States or a minor widow) may be made to a duly appointed fiduciary. (See §§ 14.200, 14.201 and 14.202 of this chapter.)

§ 4.146 *Limitation on payments to a fiduciary appointed or recognized for a minor child.* (a) Awards will not be authorized to a fiduciary recognized or appointed for a child, by reason of its minority, for any period subsequent to the day preceding the date on which the child will attain its majority under the law of the State in which the child resides. Payments on and after that date, if otherwise in order, will be made direct to the child, if competent, or, if incompetent, to a fiduciary recognized or appointed for the child as a mentally incompetent adult. When payments are continued after the sixteenth or eighteenth birthday, as the case may be, to or for a child who has been rated mentally incompetent, the case will be diaried to be drawn 6 months prior to the date of attainment of majority. Request for appointment of a fiduciary for the child as a mentally incompetent adult will be sent to the appropriate chief attorney on the diary date.

(b) When it is noted after attainment of a child's majority that payments are being made to a fiduciary appointed or recognized by reason of minority only, the facts will be brought to the attention of the chief attorney for such action and recommendation as he may deem appropriate.

§ 4.147 *Identity in guardianship cases.* When the name of the ward as it appears in the letters of guardianship or chief attorney's certification, etc., is not the same as that under which the claim was filed and there is no question of identity, the awards will be made in the name as shown in the letters of guardianship.

§ 4.148 *Receipt of letters of guardianship other than from chief attorney.* When letters of guardianship are received from a person other than the chief attorney, payments being made direct to the beneficiary concerned will be suspended, and the letters will be forwarded by letter to the proper chief attorney who will be requested to furnish his certification as to legality of the appointment and adequacy of bond. The letter to the chief attorney will include a statement of the kind and amount of benefits being paid, the amount of benefits accrued, if any, and that payments have been suspended.

§ 4.149 *Procedure when a beneficiary is reported to be incompetent*—(a) *Notice of commitment of beneficiary or appointment of guardian.* If notice is received that a beneficiary has been committed to a hospital for the insane or that a guardian has been appointed, and letters of guardianship have not been forwarded, payments being made direct to the beneficiary will be suspended. The chief attorney will be informed of such suspension, and the amount of benefits payable. He will be requested to obtain the appointment of a fiduciary, or to obtain evidence of the appointment of the fiduciary and to forward it with his certificate relative to the adequacy of bond and legality of the appointment. If the beneficiary is in a hospital for the insane and a guardian has not been appointed, the request will be addressed to the chief attorney of the area in which the institution is located.

(b) *Evidence of incompetency other than notice of commitment or of appointment of guardian.* If information other than that described in paragraph (a) of this section is received which indicates that a beneficiary may be incompetent or that he is not receiving or is being deprived of the full benefits being paid, and an inquiry is desirable to determine whether a fiduciary should be appointed, the information received will be referred to the chief attorney of the area in which the beneficiary resides, together with a statement of the kind and amount of benefits being paid, the amount of benefits accrued, if any, the address of the beneficiary, and whether or not payments have been suspended. Payments will not be suspended pending receipt of a report from the chief attorney unless it is obvious that suspension is necessary as a protective measure. Upon receipt of such information, the chief attorney will ascertain the facts by field examination and report them to the office having jurisdiction of the XC-folder, with his recommendation whether a fiduciary should be appointed, whether a neuropsychiatric examination should be authorized, and whether payments, if being made, should be suspended. The chief attorney's report will be referred to the rating board for a determination of incompetency or competency pursuant to §§ 3.173 and 3.174 of this chapter. It is the policy of the Veterans' Administration not to insist upon the appointment of a guardian in cases of persons of advanced age unless such procedure is absolutely necessary to protect their interests.

§ 4.150 *Disposition of guardianship papers.* The letters of guardianship and certification by the chief attorney will be retained in the XC-folder.

§ 4.151 *Death of beneficiary.* If notice of the death of a beneficiary under legal guardianship or custody is received and it is apparent that the chief attorney has not been informed, he will be notified.

§ 4.152 *Marriage of female fiduciary*—(a) *Guardian.* Upon receipt of notice of the marriage of a female guardian who is receiving benefits in her fiduciary capacity, payments will be suspended, and the chief attorney will be requested to ascertain whether the guardianship will remain in effect and, if so, whether an order will be made changing the name of the guardian and to furnish a certified copy of any such order; and if no such order will be issued, her statement setting forth the fact of remarriage and her present name shall be accepted.

(b) *Custodian.* Where a female custodian has remarried subsequent to such appointment, her statement setting forth the fact of remarriage and her present name shall be accepted. Notice of the change of name will be furnished to the chief attorney.

§ 4.153 *Awards where more than one guardian has been appointed.* Certificate showing discharge of a former guardian is not necessary when letters of guardianship show appointment by the same court of a new guardian in place of the former one.

§ 4.154 *Payment of children's benefits to fiduciary of mentally incompetent widow.* The additional amount payable on behalf of children may be paid to the fiduciary of a mentally incompetent widow, regardless of the fact that the children may be separated from the widow by reason of her incompetency, provided the fiduciary is adequately taking care of the needs of the children from the widow's estate voluntarily or pursuant to a decree of a court of competent jurisdiction. (See § 4.91 (a).)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective May 6, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-5000; Filed, May 5, 1952; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

PART 36—UNMAILABLE MATTER

PART 64—DOMESTIC ISSUANCE AND COLLECT-ON-DELIVERY SERVICES: INDEMNITY

MISCELLANEOUS AMENDMENTS

a. In § 35.3 *When weight limit not applicable* rescind paragraph (d).

b. In § 36.12 *Mailing of pistols, revolvers, and other firearms* make the following changes:

1. Amend paragraph (e) (1) to read as follows:

(e) *For officers and employees of enforcement agencies.* (1) Except as provided in paragraph (j) of this section, parcels containing unloaded firearms, properly prepared for mailing, addressed for delivery to officers of the United States or of a State, territory or district, whose official duty is to serve process of warrants of arrest or mittimus of commitment, and to officers and employees of enforcement agencies of the United States, may be accepted for mailing provided there be filed with the postmaster at the time of mailing by the sender or his agent an affidavit of the addressee of such parcel, setting forth that he is such an officer or employee, and that the contents of the parcel are intended for his

use in connection with his official duty, and provided further that such affidavit shall bear a certificate that the firearm is so to be used, to be signed by the head of the agency employing the addressee to perform the aforementioned duties. (See par. (k) of this section.)

2. Redesignate paragraph (e) (2) as (e) (3).

3. Insert a new paragraph (e) (2) to read as follows:

(2) Parcels containing unloaded firearms may also be accepted for mailing when addressed for delivery to the purchasing agent or other duly designated member of any such agency, and intended for the official use of any such officer or employee, as described in subparagraph (1) of this paragraph, provided there be filed with the postmaster at the time of mailing by the sender or his agent an affidavit of the addressee that he is the proper representative of the agency to obtain and receive the firearms, and that they are intended for the use of such officers or employees in connection with their official duty, which affidavit shall bear a certificate that the firearm is so to be used, to be signed by the head of the said agency.

4. Add the following note to paragraph (f):

NOTE: See paragraph (k) of this section.

5. Amend the note following paragraph (j) to read:

NOTE: See paragraph (k) of this section. Also see § 36.7 of this chapter for treatment of matter when mailability is in question.

6. Add the following new paragraph:

(k) *Officer of a State.* For the purposes of paragraphs (e), (f), and (j) of this section, officers of any political subdivision of a State, territory, or district will be considered as an officer of such State, territory, or district.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; sec. 1, 62 Stat. 781, as amended; 5 U. S. C. 22, 369; 18 U. S. C. 1715)

c. Amend § 64.19 *Additional fee for restricted delivery* to read as follows:

§ 64.19 *Additional fee for restricted delivery.* Upon payment of an additional fee of 20 cents the sender may restrict delivery of domestic insured mail, except that on which the minimum fee is paid, by marking it "Deliver to addressee only" or "Deliver to addressee or order," or with words of similar import. This fee shall also be collected by the postmaster at the office of delivery for delivering any domestic numbered insured article which the Addressee (instead of the sender) has restricted in delivery to himself or to his order.

NOTE: See § 58.6 of this chapter as to the law and instructions relative to this charge which are equally applicable to numbered insured mail.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; sec. 212, 62 Stat. 1267, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 245c)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-5017; Filed, May 5, 1952; 8:48 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

YUGOSLAVIA

a. In § 127.19 *Special delivery (Exprès) service* amend paragraph (a) by adding "Yugoslavia" to the list of countries therein.

b. In § 127.380 *Yugoslavia* amend paragraph (a) (4) to read as follows:

(4) *Special delivery.* Fee 20 cents. (See § 127.19.)

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-5016; Filed, May 5, 1952; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10088]

PART 6—PUBLIC RADIOCOMMUNICATIONS SERVICES (OTHER THAN MARITIME MOBILE)

ALLOCATION OF FREQUENCIES

On November 21, 1951, the Commission adopted a notice of proposed rule making in the above-entitled matter proposing to make certain changes in the description of the zone boundaries pertaining to the assignment of frequencies in the 35–44 mc. band in the Domestic Public Land Mobile Radio Service, to change the boundary of Zone III, to establish new Zones VIII and IX, and to assign to each new zone a frequency pair in the 35–44 mc. band already allocated to the Domestic Public Land Mobile Radio Service, but not previously designated for use in any specific area. Additionally, it was proposed to assign the frequency 35.58 mc. exclusively for use in one-way signaling service to mobile receivers. The notice was released on November 23, 1951, and comments were required to be filed on or before December 31, 1951.

Comments were received from five interested parties. The only oppositions to the proposal were filed by the United States Independent Telephone Association and the Lorain County Radio Corporation. The Telephone Association commented that it favored the Commission's proposal to assign additional frequencies for mobile radio service, but stated that it believed that the inclusion of the Great Lakes and Lake St. Clair in the zones was not desirable. Lorain County Radio Corporation confined its comments to the proposal to include the aforementioned lakes in the zone allocation plan and its comments were substantially the same as those of the United States Independent Telephone Association.

The comments in opposition to the proposal may be generally summarized as follows:

The Great Lakes radiotelephone system, using frequencies allocated for the maritime services, is highly organized to provide the utmost in safety to boats. Any encouragement to use frequencies other than those allocated for the maritime service will reduce individual and over-all safety provisions, and the inclusion of the Great Lakes and Lake St. Clair in the zone boundaries in Part 6 of the Commission's rules might constitute "encouragement" to ships to use frequencies allocated primarily for assignment to stations in the land mobile service and thus lead to the relaxation and possible abuse of the "exceptional" circumstances provided by § 6.205 (b) [1] of the Commission's rules under which such grants may be made. Such practices would divide the boats operating on the Great Lakes into two groups which would have no direct communication with each other and thereby weaken the well-established and effective safety provisions for boats on the Great Lakes.

None of the parties filing comments has requested oral argument on the proposal and it does not appear that oral argument would serve any useful purpose in this case since the only objections appear to be based upon the assumption that a change of policy with respect to the provisions of service to vessels is being considered.

We are cognizant of the importance of operational techniques and methods which are used to insure, insofar as possible, the safety of life at sea. However, the assumption that the proposed zone boundary changes contemplate a change in Commission policy with respect to the provision of service to vessels through base station facilities in the Domestic Public Land Mobile Radio Service is without merit since the instant rule-making proceeding does not involve any change in policy from the practice now being followed under existing rules.

At the present time, pursuant to the provisions of § 6.205 (b) of the rules, base stations in the Domestic Public Land Mobile Radio Service may be permitted, upon specific authorization, to provide service to stations on board vessels. However, such determinations are made on a case-by-case basis and authorizations are issued only upon an affirmative showing by applicant that the rendition of service to such vessels will not degrade service to the land vehicles receiving or requiring service in the area and that such service to stations on board vessels is necessary and desirable.

It should be noted that the only real change in the zone allocation plan is to create two new zones and to extend the boundary of the present Zone III to the eastern extremity of Lake Erie. The zones have, in the past, been described

[1] Sec. 6.205 (b) provides as follows:

(b) Base stations in this service are authorized to communicate with land mobile stations in the same service, and, upon specific authorization from the Commission, with stations on board vessels. Such authorization may be granted upon a showing that the rendition of service to such stations will not degrade service to the land vehicles receiving or requiring service in the area, and that such service to stations on board vessels is necessary and desirable.

by naming the States included therein and the zone boundaries conformed with the State boundaries. The boundary of each of the States bordering the Great Lakes and Lake St. Clair extends out into such lake or lakes and the territory of each State thus includes part of the lake or lakes. Wherever physically possible, the State boundary line coincides with the International Boundary Line between the United States and Canada, and, in the case of Lake Michigan, all of that lake is included within the boundaries of the states surrounding it. The naming of the various lakes, in addition to naming the States, in the instant proposal is for descriptive convenience and, except as to the proposed change in Zone III noted above, does not represent a change in substance because it does not enlarge or otherwise change the boundary of any of the present zones. Likewise, the naming of all the lakes within the proposed new Zone VIII is of no consequence because the same result would have been accomplished by merely naming the various states or portions thereof which border these lakes. Therefore, the naming of the Great Lakes and Lake St. Clair in the zones is not, in itself, a substantive rule proposal.

Adoption of the proposed amendment will afford greater flexibility for radiotelephone service to land vehicular units traveling along the highways bordering the various lakes. The main use of the frequencies allocated for assignment to stations in the various zones is to afford communication service along highways, and traffic is generally between the major cities. There has developed a considerable demand for mobile radiotelephone service along, for example, the heavily traveled highways between Cleveland, Ohio, and Buffalo, New York. These two cities are in different zones and vehicles traveling between these points now must interrupt travel at the zone boundary (the western border of the State of Pennsylvania) to change the frequencies of their mobile units. However, adoption of the instant proposal provides for eliminating the necessity for effecting a frequency shift in the example given.

In view of the foregoing considerations, it is concluded that the public interest, convenience, and necessity would be served by the adoption of the instant rule making proposal. Accordingly, pursuant to the authority contained in sections 4 (i), 301 and 303 of the Communications Act of 1934, as amended: *It is ordered*, This 23d day of April, 1952, that § 6.401 of the Commission's rules is amended as set forth below, to become effective May 26, 1952.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 301, 303, 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301; 303)

Released: April 25, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Delete the present § 6.401 and in lieu thereof substitute the following:

§ 6.401 *Allocation of frequencies.*[1] The following frequencies are allocated to the Domestic Public Land Mobile Radio Service for General, Dispatching, and Signaling Communications, and such other uses as are indicated in the footnotes to the sub-allocation table set out below:

(a) For assignment to stations of communication common carriers engaged in the business of affording public land line message telephone service:

Base station frequencies (Mc.)	*Mobile station, auxiliary test station, or subscribed fixed station frequencies (Mc.)*
[1] 35.22	[1] 43.22
35.26	43.26
35.30	43.30
35.34	43.34
35.38	43.38
35.42	43.42
[1] 35.46	[1] 43.46
35.50	43.50
35.54	43.54
35.62	43.62
35.66	43.66
152.51	157.77
152.57	157.83
152.63	157.89
152.69	157.95
152.75	158.01
152.81	158.07

[1] These frequencies are also designated for assignment to base and mobile stations using radio facsimile as an integral portion of common carrier telegraph message handling or delivery procedure.

ZONE ALLOCATION PLAN, 35–44 MC. BAND

Zone I. Base station frequency: 35.66 Mc.; Mobile station frequency: 43.66 Mc.

Connecticut.	New Jersey.
Delaware.	New York.
District of Columbia.	Pennsylvania.
Lake Ontario.	Rhode Island.
Maine	Vermont.
Maryland.	Virginia.
Massachusetts.	West Virginia.
New Hampshire.	

Zone II. Base station frequency: 35.34 Mc.; Mobile station frequency: 43.34 Mc.

Alabama.	Mississippi.
Florida.	North Carolina.
Georgia.	South Carolina.
Louisiana.	

[1] All frequencies listed in paragraphs (a) and (b) of this section between 152 and 162 Mc. are available for assignment to the "Rural Subscriber" and the "Short Haul Toll Telephone" services on a geographical or frequency separation basis, provided that no interference is caused to the land mobile service.

All frequencies listed herein are available for assignment to developmental stations provided no interference is caused to the mobile service.

All frequencies listed herein between 152 and 162 Mc. are available for assignment to Domestic Control Stations, provided no interference is caused to either the mobile service, the Short Haul Toll Telephone Service or the Rural Subscriber Telephone Service.

Zone III. Base station frequency: 35.42 Mc.; Mobile station frequency: 43.42 Mc.

Illinois.	Lake St. Clair.
Indiana.	Lake Superior.
Kentucky.	Michigan.
Lake Erie.	Ohio.
Lake Huron.	Tennessee.
Lake Michigan.	Wisconsin.

Zone IV. Base station frequency: 35.54 Mc.; Mobile station frequency: 43.54 Mc.

Iowa.	North Dakota.
Minnesota.	South Dakota.
Montana.	Wyoming.
Nebraska.	

Zone V. Base station frequency: 35.30 Mc.; Mobile station frequency: 43.30 Mc.

Arkansas.	Oklahoma.
Kansas.	Texas.
Missouri.	

Zone VI. Base station frequency: 35.38 Mc.; Mobile station frequency: 43.38 Mc.

Arizona.	Nevada.
California.	New Mexico.
Colorado.	Utah.

Zone VII. Base station frequency: 35.26 Mc.; Mobile station frequency: 43.26 Mc.

Idaho.	Washington.
Oregon.	

Zone VIII. Base station frequency: 35.50 Mc.; Mobile station frequency: 43.50 Mc.

Indiana.	New York.
Lake St. Clair.	Ohio.
Michigan.	Pennsylvania.
New Jersey.	The Great Lakes.

Zone IX. Base station frequency: 35.62 Mc.; Mobile station frequency: 43.62 Mc.

Arkansas.	Texas.
Oklahoma.	

The frequencies specified above may be used in adjoining zones within moderate distances of the respective zone boundaries to permit continuous service to mobile units transiting such zone boundaries.

(b) For assignment to stations of communication common carriers not engaged in the business of providing a public landline message telephone service:

Base station frequencies (Mc.)	*Mobile station, auxiliary test station, or subscriber fixed station frequencies (Mc.)*
152.03	158.49
152.09	158.55
152.15	158.61
152.21	158.67

(c) For assignment to stations of communication common carriers for use exclusively in providing a one-way signaling service to mobile receivers, as defined in § 6.106:

35.58 Mc. 43.58 Mc.

If an applicant for authorization to provide an exclusive one-way signaling service, provides, or proposes also to provide General or Dispatching Service in accordance with paragraphs (a) or (b) of this section, the application should be supported with full information to show why the proposed signaling service could not be provided in connection with such General or Dispatching Service.

[F. R. Doc. 52-5051; Filed, May 5, 1952; 8:52 a. m.]

[Docket No. 9797]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of revision of Parts 7 and 8 of the Commission's rules governing Coastal and Marine Relay Services, and Ship Service, respectively.

On June 13, 1951, the Commission adopted a report and order in the above-captioned proceeding which, among other matters, concluded that it would be appropriate to hold oral argument on certain of the rules proposed in Docket No. 9797 and issues raised by comments thereon. Accordingly, by order dated June 13, 1951, the Commission designated for oral argument at Washington, D. C., on a date to be later specified, proposed §§ 7.104 (b), 7.107 (c), 7.189 (c), 7.312 (d), 7.352, 7.354, 7.355, 7.356, 8.42, 8.73, 8.106 (a), 8.106 (c), 8.135, 8.223, 8.364, 8.366 (b), 8.366 (h), 8.368, 8.502 (a) (5), and 8.517. On October 1, 2, and 3, 1951, oral argument was held before the Commission en banc in which the following parties participated:

American Telephone & Telegraph Co.
American Waterways Operators.
Atlantic Coast and Gulf of Mexico Towboat Association.
Bethlehem Steel Co.
Boston Towboat Co.
Brunswick Navigation Co.
Central Radio Telegraph Co.
Great Lakes Towing Co.
Lake Carriers' Association.
Lorain County Radio Corp.
Mackay Radio & Telegraph Co., Inc.
Maryland Drydock Co.
McAllister Bros., Inc.
National Federation of American Shipping.
Ocean County Board of Chosen Freeholders.
Radiomarine Corp of America.

Sections 7.104 (b), 8.106 (a), 8.223, 7.189 (c), 8.366 (b), and 8.106 (c). The collective requirements that would be imposed by these rules provisions were proposed to implement, as far as was considered to be reasonably possible, the view that a calling-working frequency method for the maritime radio-telephone service in the medium and very high frequency bands is highly desirable from the standpoint of maritime safety as well as the efficient use of frequencies. Thus, these rules provisions required ship stations and public coast stations to be equipped to transmit and receive on the safety (distress) and calling frequencies 2182 kc and 156.8 mc respectively—dependent upon whether the station operates in the medium or very high frequency bands, or both; further they created certain watch requirements and provided for initial ship to ship calling and answering on the designated frequency.

No objection to the philosophy underlying these rules was expressly made by any of the parties to the proceeding. However, disagreement was voiced with some of the features of the proposals or with their application to certain segments of the maritime mobile service.

It was argued that the equipment requirement for public coast stations should be geared to the watch requirement at such stations since the installation of involved equipment would serve no useful purpose unless a watch were maintained on the frequencies. However, these stations, as a class, will play an important part in the universal safety and communication system toward which these rules are directed. It is considered, therefore, that such stations should be prepared to participate readily in the system as necessary. This general anticipatory requirement is intended as insurance against the unpredictability of (1) emergency situations, their number and their location, and (2) the number, location and availability of U. S. Government coast stations capable of providing emergency service.

Opposition was expressed to the requirement of a watch by ship stations on 2182 kc. In large part it appears that objection to this aspect of the proposed rules was based upon the misconception that a "continuous" watch would be required. The intent of the proposed rule was, however, that the watch be maintained only when the station was being used to participate in the radiotelephone communications system sought to be developed around the frequency 2182 kc. A watch on 2182 kc is considered to be a reasonable condition for participation in the system. In the event, however, that the station is not being used, a watch is not required. Since the hours of service of most of the ships here involved are within the discretion of the master of the ship, it is apparent that the watch requirement proposed by the rules does not impose an unreasonable equipment or personnel burden in view of the essentiality of this watch requirement to a proper functioning of the integrated communication system which will be used.

Another feature of the calling-working frequency system sought to be developed by this group of rules to which objection was made was the inflexibility of the requirement that initial contact between ships be established on the designated calling frequency. The general purpose of this rule was to provide a common meeting ground for ship stations using telephone in the bands involved. Although the desirability of this objective was recognized, it was argued that under certain circumstances, such as in the case of pre-arranged schedules, deviation from the normal practice would be desirable. Recognizing that certain situations may occur in which the use of the calling frequency would be either impractical or undesirable, the rule herein ordered has been revised to permit deviation from the normal practice under such circumstances.

Objection was expressed to the application of a working-calling system of radiotelephone communication to small boats, and to boats operating at locations other than in the open sea (except the Great Lakes), such as harbors and inland waterways. In the main, these arguments emphasized the adequacy of the radiotelephone service currently being obtained without such a system and the additional complexity and cost which would be imposed by the introduction of the system.

The Commission is of the opinion that there is no valid reason to except segments of the maritime mobile servce from the communcations systems sought to be developed by these rules. Although individual additional burdens will be created by the requirements of these systems, it is considered that the ultimate benefits to be derived therefrom far outweigh such disadvantages. Such systems will provide a means of efficiently accommodating not only the current communication needs of the maritime industry but also will provide a flexible base which will accommodate future expansion. This is particularly true with respect to the very high frequencies on which many of the ship stations now utilizing the medium frequencies are expected eventually to communicate. Additionally, these systems, because of their nature, will inherently enhance maritime safety by providing a uniform mode of operation centered around a common frequency in the respective frequency bands involved. The merits of such a communication system have been recognized internationally by the designation of 2182 kilocycles and 156.8 megacycles worldwide for use in their respective bands for calling, distress, and safety purposes.

Accordingly, the instant group of rules which pertain to the development of a calling-working method of operation in the medium and very high frequency bands are finalized herein substantially as proposed. Some changes have been made—primarily by deferment of effective dates—which are consistent with the basic purpose of these rules but which are designed to minimize the impact on the industry of the new requirements. In this regard, it should be noted that the requirement of § 8.106 (c) may be met either by installation of one multi-channel unit or three single-channel units, or an equivalent combination. In the latter case, investment in existing single channel units would not be lost.

Sections 7.352, 7.354, 7.355, and 7.356. These sections were adopted by the Commission as originally proposed in rule making proceedings in Docket No. 9797, and became effective July 23, 1951. Prior to adoption, however, oral argument was requested for the purpose of determining whether or not these rules, or possibly others, should be amended for the purpose of permitting communication, between land stations and mobile stations on land, on maritime mobile frequencies in the 152–162 megacycle band on a secondary basis, when such mobile stations on land are used exclusively in connection with ship repair activities in commerce.

The Commission is of the opinion that such communication should be permitted and the rule amendments herein ordered so provide.

Ship building and ship repair activities are closely related to the national defense effort. It clearly appeared that radio service of the type requested

could, under favorable conditions, serve an extremely useful purpose in the performance of these activities by the companies involved. Further, it appeared that since maritime mobile frequencies are already being used by shipboard radio stations licensed to these companies in the performance of their ship building and repair facilities, justification for supplementary use of the same frequencies by associated land vehicle stations would exist.

It is interesting to note that argument in opposition did not at any point question the fact that the requested communication was desirable or in the public interest. Instead it was suggested that such communications be placed in some service other than maritime mobile apparently on the premise that the maritime mobile service would otherwise be degraded. However, it is not considered that good frequency usage would be obtained by setting up additional frequencies for an end purpose which is identical with that for which certain maritime mobile frequencies are already being used. Additionally, it is considered that adequate safeguards to the maritime mobile service are created by reason of the extremely small potential number of users of the communications herein authorized, the limitation of the ratio of land mobile stations to shipboard stations, and by placing land mobile communications on a secondary basis to maritime mobile.

Section 8.364. The primary purpose of this proposed section was to provide a means of positive identification of ship radiotelephone stations or marine-utility stations operating aboard ship when such stations are heard by the Commission's monitors. Such identification is essential from the regulatory standpoint. Under the existing rules wherein identification is made by announcing the name of the vessel, it has been extremely difficult, and in many cases impossible, to definitely identify a ship radiotelephone station because (a) there are many boats with the same name; (b) many boats have names that are spelled differently yet pronounced identically; and (c) many boats have unusual names, or names of foreign origin, which are difficult to understand.

In opposing the adoption of this section it was suggested that a ship radiotelephone station be permitted to identify itself either by transmitting the name of the vessel, or by transmitting the telephone number of the station whenever one has been assigned by the licensee. Further, it was argued that if ship phone stations were required to announce their call signs as proposed it would waste valuable channel time.

It is evident that it is necessary for the Commission to adopt a system whereby positive identification of ship radiotelephone transmissions may be made and that § 8.364, as proposed, would provide this system. To amend this section in accordance with the argument submitted would defeat the purpose for which it was intended. Accordingly, § 8.364 is finalized herein as proposed.

Section 8.368. This section proposed to revise the former rule governing logs for ship radiotelephone stations for the purpose of relaxing the former log-keeping rule primarily by not requiring entries regarding exchange of routine communications with other stations.

Various suggestions and proposals were made with respect to this proposed section which looked to either excepting certain classes of stations from the log-keeping requirement or to further simplification of the rule.

Section 8.368, as herein ordered finalized, has been revised, and simplified, and will require primarily the logging of incidents relative to distress and urgency matters, the periods of watch on the distress frequency 2182 kilocycles, and information relating to adjustments or repairs to the transmitter which might affect its proper operation. It has not been feasible, however, from the regulatory standpoint to except certain ship stations entirely from the requirement.

Sections 7.312 (d) and 8.366 (h). These sections proposed to impose time limitations on the use of ship-shore public correspondence working channels for the purpose of permitting a more equitable use of the channels involved in view of reports of the existence of extreme congestion.

It was argued, however, that these two provisions present difficult operational problems and would cause delays and added expense to the users of the services with no significant improvement in the efficiency with which the channels are used. Thus, conversations would be terminated when the channel otherwise would be idle, and the termination, therefore, would appear unjustified from the user's standpoint. Where additional time was needed, the establishment of an entirely new connection would be required to complete the conversation. This would cause a definite loss of continuity in the correspondence. More conversation time might well be required than if the correspondence had been allowed to continue on the initial connection. Telephone conversations in these services seldom exceed ten minutes' duration.

In view of the argument submitted, these proposed subsections have been deleted pending further study.

Section 8.42. The proposed § 8.42 outlined the procedure to be followed by applicants when filing informal applications (including such applications filed in cases of emergency) for licenses, renewal of licenses, or modifications of licenses for stations on vessels of the United States.

No argument, as such, was made in opposition to this proposed section. However, it was suggested that the requirements of this section should be made as simple as possible. Keeping in mind the requirements of section 308 (a) of the Communications Act, the rules relating to the procedure to be followed in filing informal applications have been revised as suggested in the direction of simplification.

Section 8.73. The issue involved in proposed § 8.73 is what procedure should be following by a licensee of a ship station, with regard to the disposition of the station license, when the station operation has been discontinued permanently.

The primary purpose of this proposed section was to require for administrative reasons a licensee to submit the station license to the Commission for cancellation whenever the station involved has been permanently closed, or when the ship on which the station is located has been sold.

There was no argument, as such, in opposition to the requirement of this proposed section. However, it was suggested that it be modified so as to require prompt notification to the Commission by a ship licensee when it discontinues operation, and such notice to be followed within a reasonable time by the return of the license.

The section has been revised and is in line with the aforementioned suggestion.

Section 8.135. The issue involved in proposed § 8.135 is what limitation should be imposed upon radio receiving equipment aboard ship with regard to suppression of radiation.

In opposition to proposed § 8.135 it was argued that any rule limiting receiver radiation should distinguish between the higher and lower frequencies with regard to the required degree of suppression. It was also argued that it was not necessary to extend requirements for suppression of receiver radiation to vessels on inland waters. It was further argued that the proposed section should be deleted in its entirety.

In consideration of the argument presented, the proposed rule has been substantially revised so as to eliminate those portions of it which appear to be impractical or unreasonable. In particular, in those instances where specific limits of suppression are made applicable, the limits are those suggested in the oral argument. However, a general prohibition of harmful interference from shipboard receiver radiation is retained and applies to vessels on inland waters since such a provision is considered to be reasonably necessary for the efficient functioning of a maritime mobile communication system regardless of the vessel's area of operation.

Section 7.107 (c). The issue involved in proposed § 7.107 (c) is whether the Commission should provide that it may require a coast station licensee, prior to the renewal of the station license, to conduct an appropriate field strength survey and to file with the Commission the resultant data as part of the application for renewal of license.

In opposition to proposed § 7.107 (c) it was argued that an appropriate field strength survey of a coastal station would be a difficult and expensive operation involving, in addition to skilled personnel and delicate equipment, the use of boats and precise navigation, and that when considering the omni-directional nature of the maritime mobile service the results of such a survey would be of doubtful significance. It was, therefore, recommended that this proposed section be deleted.

As recommended, proposed § 7.107 (c) has been deleted.

Section 8.517. The purpose of this proposed section was to implement the requirement of section 351 of the Communications Act of 1934, as amended, which provides, in part, that:

"* * * it shall be unlawful—

* * * * *

For any passenger ship of the United States of five thousand gross tons, or over, to be navigated outside of a harbor or port, in the open sea, or for any such ship of the United States or any foreign country to leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, unless such ship is equipped with an efficient radio direction finder apparatus (radio compass) properly adjusted in operating condition * * * which apparatus is approved by the Commission."

In opposition to this proposed section it was argued that vessels should be permitted to leave port providing the proper calibration is made very soon thereafter, and that the Commission would then be promptly notified of the completion of the calibration.

In view of the fact that it appears to be technically unfeasible in many cases accurately to calibrate a direction finder while the ship is docked, the proposed section has been revised substantially as suggested, permitting calibration at any time before the ship reaches the open sea.

Section 8.502 (a) (5). The issue involved in proposed § 8.502 (a) (5) is whether a separate emergency antenna should be required, in addition to the main antenna, aboard a ship subject to Title III, Part II of the Communications Act of 1934, as amended, whenever such installation is to be construed as a main installation and a separate emergency or reserve installation.

In opposition to this proposal it was argued that to the extent that the Commission may require the fitting of a separate emergency antenna on passenger vessels, for practical reasons, that the regulation be adopted in such a way as not to preclude its possible waiver by the Commission, if it should be found that such separate installation would be impractical with respect to any particular vessel. Further, in connection with the application of this provision to passenger vessels it was suggested that the installation of the separate emergency antenna should be deemed impractical if it requires the construction of new masts on the vessel. It was argued that this requirement should not apply to cargo vessels regardless of the manner in which the radio installation may be defined by regulation. Further, it was argued that a separate antenna should not be required due to the protection afforded by the safety link, and the fact that main antenna breakages do not occur often enough to cause any safety problem.

The argument made in opposition to this proposal has been given consideration. However, section 354 (a) of the Communications Act of 1934, as amended, requires passenger ships to have separate main and emergency or reserve installations, while cargo ships are permitted to have either a separate main and emergency installation or a single installation capable of meeting all the requirements for a main and an emergency installation. Since a ship's antenna is considered to be an indispensable component of its compulsory radio installation, and since the subsubsection as proposed merely sets forth the requirements of said section 354 (a) insofar as they relate to ships having separate main and emergency or reserve installations, the proposed § 8.502 (a) (5) has been ordered finalized herein without change.

In view of the foregoing considerations and determinations, the Commission finds that the public interest, convenience, and necessity will be served by the adoption of the rules herein ordered. Accordingly, pursuant to authority contained in the Communications Act of 1934, as amended: *It is ordered*, this 23d day of April 1952, That:

1. The foregoing report is adopted.
2. Effective June 23, 1952, the rules set forth below are adopted.
3. The proceedings in Docket No. 9797 are terminated.

Released: April 28, 1952.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] T. J. SLOWIE, *Secretary.*

Amend Part 2, Frequency Allocations and Treaty Matters as follows:

1. In § 2.104 (a) *Table of Frequency Allocations:* Insert new footnote "NG" to read:

NG31 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, land stations authorized and used primarily as coast stations (not open to public correspondence) and associated land mobile stations may be authorized to use, on a secondary basis, the frequencies 156.4, 156.5, and 157.0 Mc: *Provided;* That, in each case, the frequency assignment will be common to the maritime mobile and land mobile services and that the maritime mobile service shall, at all times, have priority.

2. In column 11, add the new footnote indicator "NG31" opposite 156.4, 156.5, and 157.0 Mc.

(Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Amend Part 7, Stations on Land in the Maritime Services as follows:

1. Amend § 7.2 as follows:

a. In paragraph (r) insert the words "or vehicle" between "station" and "to."

b. Add a new paragraph (s) to read:

(s) *Shipyard land mobile unit.* A land vehicle operated and controlled by a shipyard and used for the transportation of shipyard personnel, material, or supplies.

2. Amend § 7.3 as follows:

a. Amend paragraph (b) (2) to read:

(2) *Land mobile service.* A mobile service between base stations and land mobile stations, or between land mobile stations.[3a]

b. Add footnote 3a to read:

[3a] Only land mobile service carried on exclusively for maritime purposes is governed by this part.

c. Add new paragraphs (o), (p), (q), and (r) to read:

(o) *Base station.* A land station in the land mobile service.

(p) *Shipyard base station.* A land station, licensed and operated primarily as a limited coast station in the maritime mobile service, which is authorized additionally to be operated on a secondary basis as a base station for communication with shipyard mobile stations of the same licensee within a local geographic area designated by the Commission.

(q) *Land mobile station.* A mobile station in the land mobile service capable of surface movement within the geographical limits of a country or continent.

(r) *Shipyard mobile station.* A land mobile station on a shipyard land mobile unit used for communication solely with one or more shipyard base stations of the same licensee within a local geographic area designated by the Commission.

3. Amend § 7.21 (a) as follows:

§ 7.21 *Authorization required for construction and operation of station.* (a) Any radio station required by the Communications Act to be licensed shall not be operated in any service regulated by this part except under and in accordance with a valid station authorization granted by the Commission.[2] Further, the operation of such apparatus shall be conducted in conformity with the provisions of statute, international treaty or agreement, and the rules of the Commission relative to the licensing of operators.

4. Amend § 7.22 by adding a new paragraph (e) to read:

(e) Stations in the land mobile service subject to this part are licensed according to the class of station designated below:

(1) Shipyard base stations.
(2) Shipyard mobile stations.

Station licenses shall not be issued solely to authorize the use and operation of shipyard base stations and shipyard mobile stations. License authority to use and operate such stations shall be included in the station license which provides for use and operation of the land station facilities primarily as a limited coast station in the maritime mobile service.

5. Amend § 7.34 as follows: In paragraphs (a) and (b), modify the parenthetical expression "(other than a marine-utility station)" to read "(other than a marine-utility station or a shipyard mobile station)."

6. Amend § 7.39 by adding a new paragraph (b) to read:

(b) Applications of different category in respect to the same land station used, or to be used, primarily as a limited coast station in the maritime mobile service and secondarily as a shipyard base station (with associated shipyard mobile stations) in the land mobile service may be filed concurrently by the same applicant in the same manner as is prescribed in paragraph (a) of this section concerning applications in respect to the same station and radio service.

[1] Partial dissent of Commissioners Webster and Bartley filed as part of original document.

7. Amend § 7.40 as follows:

a. In paragraph (a), add new subparagraphs (6) and (7) to read:

(6) Application for construction permit(s) for shipyard mobile stations to be used and operated in association with the same shipyard base station(s);

(7) Application for modification of construction permit(s) for shipyard mobile stations to be used and operated in association with the same shipyard base station(s), when the modification requested is the same for all stations covered by the application.

b. In paragraph (b), substitute the following text in place of the existing text of the first sentence: "The provisions of paragraph (a) of this section shall apply only when the following elements are the same in respect to all of the existing or requested station authorizations involved at the time the application is filed."

c. In paragraph (b), change the text of the subparagraphs (2) and (3) to read:

(2) Nature of service(s) and class(es) of station(s).

(3) Legal control of the station(s).

8. Amend § 7.65 as follows: In paragraph (a) insert "(including a limited coast station license authorizing such station to be operated on a secondary basis as a shipyard base station, and authorizing one or more associated shipyard mobile stations)" between "coast station" and "shall be issued" in the first sentence.

9. Amend § 7.68 as follows:

a. Change existing title to read:

§ 7.68 *One authorization for plurality of stations.*

b. Modify the first sentence of paragraph (a) to read: "(a) Unless otherwise determined by the Commission, one construction permit or one station license may be issued to authorize the construction, or use and operation, respectively, of a designated maximum number of marine utility stations, normally in multiples of ten stations, whenever the following elements are the same for each station and the requirement specified in paragraph (b) of this section is fulfilled."

c. Modify subparagraphs (1) and (2) of paragraph (a) to read:

(1) The permittee or station licensee, as applicable;

(2) The conditions which establish and maintain control of the station by the permittee or the station licensee, as applicable.

d. Add a new paragraph (c) to read:

(c) Unless otherwise directed by the Commission, one construction permit or one station license shall be issued to authorize the construction, or use and operation, respectively, of (1) a land station to be operated primarily as a limited coast station in the maritime mobile service and on a secondary basis as a shipyard base station in the land mobile service, and (2) one or more shipyard mobile stations in the land mobile service which are to communicate with such land station from within the local geographic area in which the land station is located.

10. Amend § 7.70 as follows: In paragraphs (a), (b), (c), and (d), wherever the parenthetical expression "(other than a marine-utility station)" appears, modify this expression to read "(other than a marine-utility station or a shipyard mobile station)."

11. Amend § 7.71 as follows:

a. Modify paragraph (a) and subparagraph (1) to read:

(a) Unless otherwise permitted in exceptional cases, each station shall be associated with one or more specific control points which shall, except as provided in subparagraph (1) of this paragraph, be designated in the station license as stated in subparagraph (2) of this paragraph:

(1) When no control point location is designated in a station license, the control point shall be:

(i) Not more than 500 feet from the location of the authorized radio transmitting apparatus, for stations other than shipyard mobile stations.

(ii) On the shipyard land mobile unit in which the station is installed, in the case of shipyard mobile stations.

b. Modify paragraph (c) by inserting at the beginning of the text, the words "Except for use with a shipyard mobile station."

12. Amend § 7.72 (d) to read as follows:

(d) Each station license issued to authorize the use and operation of one or more marine-utility stations or shipyard mobile stations shall designate for those stations a single call sign consisting of two letters followed by four digits, taken from the group KA through KZ.

13. Amend § 7.74 as follows: In paragraph (b), in the second sentence, substitute "for marine-utility stations and shipyard mobile stations" in place of "by marine-utility stations."

14. Amend § 7.75 as follows:

a. Change first parenthetical expression to read "(other than a marine-utility station or a shipyard mobile station)."

b. Change second parenthetical expression to read "(except a marine-utility station or a shipyard mobile station)."

15. Amend § 7.76 by inserting the following text at the end of the existing text, and by replacing the period with a semicolon: "*Provided*, That this requirement shall apply to the permanent discontinuance of operation of marine-utility stations or shipyard mobile stations, only when the operation of all stations of either class authorized by one station license is permanently discontinued."

16. Amend § 7.102 by adding a new paragraph (d) to read:

(d) With respect to one or more shipyard mobile stations authorized by one land station license in accordance with the provisions of paragraph (e) of § 7.22, the current land station authorization shall be posted as designated in paragraph (a) of this section. On each shipyard land mobile unit in which an authorized shipyard mobile station is installed, either a photo-copy of the associated land station authorization or a Transmitter Identification Card (FCC Form No. 452–C Revised) shall be available as follows:

(i) The photo-copy of the land station authorization shall be posted in a conspicuous place in the mobile unit or shall be retained in an envelope or other suitable container affixed to the transmitting apparatus, either inside or outside any cabinet or other structure on the mobile unit in which the transmitting apparatus is contained; or

(ii) The Transmitter Identification Card shall be affixed to each authorized transmitter: *Provided*, That where the transmitting equipment is not visible from the operating position or is not readily accessible for governmental inspection, the Transmitter Identification Card shall be affixed to the control apparatus at the radio operating position on the mobile unit.

(2) When a Transmitter Identification Card is provided in accordance with subparagraph (1) of this paragraph, the following information shall be entered thereon by the station licensee:

(i) Name of station licensee,

(ii) Shipyard mobile station call sign assigned by the Commission,

(iii) Exact location of the associated land station license and any station records required by the Commission,

(iv) The assigned frequency or frequencies on which the transmitting equipment is authorized to be operated; and

(v) Signature of the licensee or his duly authorized agent.

17. Amend § 7.104 by deleting the existing paragraph (b) and substituting therefor the following:

(b) As a minimum, public coast stations using telephony shall be provided with the facilities designated herewith:

(1) Each coast station licensed to transmit by telephony on any radio-channel within the band 1600 kc to 3500 kc shall be capable of transmitting and receiving (and shall be licensed to transmit) Class A3 emission (modulation by voice frequencies) with an antenna power of not less than 100 watts on the radio-channel of which 2182 kc is the authorized carrier frequency; *Provided*, That with respect to such stations outside the Great Lakes area, this requirement shall be effective on and after January 1, 1954.

(2) Effective on and after January 1, 1954, each coast station licensed to transmit by telephony on any radio-channel within the frequency band 156.35 mc. to 162.05 mc shall be capable of transmitting and receiving (and shall be licensed to transmit) Class F3 emission (modulation by voice frequencies) on the radio-channel of which the authorized carrier frequency is 156.8 Mc.

18. Amend § 7.105 by adding a new paragraph (d) to read:

(d) Each coast station subject to the provisions of any preceding paragraph of this section, which is authorized to operate on a secondary basis as a shipyard

base station, shall, while so operating, comply with such provisions.

19. Amend § 7.106 by adding a new paragraph (h) to read:

(h) (1) Each coast station authorized to operate on a secondary basis as a shipyard base station, shall, while so operating, comply with the provisions of this section which apply to coast stations using telephony.

(2) Each shipyard mobile station shall comply with the provisions of this section which apply to coast stations using telephony.

20. Delete paragraph (c) of § 7.107.

21. Amend § 7.110 by adding a new paragraph (e) to read:

(e) (1) A coast station authorized to operate on a secondary basis as a shipyard base station, shall, while so operating, comply with the provisions of this section which apply to coast stations.

(2) Each shipyard mobile station shall comply with the provisions of this section which apply to coast stations.

22. Amend § 7.111 by adding a new paragraph (d) to read:

(d) (1) A coast station authorized to operate on a secondary basis as a shipyard base station, shall, while so operating, comply with the provisions of this section which apply to coast stations.

(2) Each shipyard mobile station shall comply with the provisions of this section which apply to coast stations.

23. Amend § 7.112 to read as follows:

§ 7.112 *General requirements for receiving apparatus.* The radio equipment of each coast station, shipyard mobile station, and marine-utility station must be capable of permitting the reception of the class or classes of emission on the frequency or frequencies normally received for the service carried on, including any land mobile service for which the facilities of a coast station may be authorized. The technical arrangement of the station apparatus shall be such that the necessary reception of emissions can be readily effected prior to the transmission of any signals or communications by the coast, shipyard mobile, or marine-utility station on the associated transmitting frequency.

24. Amend § 7.116 as follows: Modify the opening paragraph to read: "At each control point of each coast, fixed, or shipyard mobile station subject to this part, the following facilities shall be provided:".

25. Amend § 7.137 by adding a new paragraph (c) to read as follows:

(c) (1) Each coast station authorized to operate on a secondary basis as a shipyard base station, shall, while so operating, comply with the provisions of this section which apply to coast stations using telephony.

(2) Each shipyard mobile station shall comply with the provisions of this section which apply to coast stations using telephony.

26. Amend § 7.151 as follows: In the first paragraph (a), insert at the beginning of the text, the clause "Except as otherwise provided in § 7.156", and change "The" to "the".

27. Amend § 7.155 as follows: Insert the words "and shipyard mobile stations," between "marine-utility stations on shore," and "upon the express condition," and delete the comma after "shore".

28. A new § 7.156 to read as follows:

§ 7.156 *Waiver of operator license for VHF shipyard mobile stations.* (a) Subject to the conditions hereinafter stated, the provisions contained in section 318 of the Communications Act are waived, insofar as such provisions require any person to hold an operator's license in order to operate, during the course of normal rendition of service, any shipyard mobile station when such station is authorized to use telephony only and further is authorized to be operated exclusively on one or more radio-channels above 30 mc: *Provided:*

(1) The person who operates the transmitting equipment is authorized by the station licensee to do so, and the use of the station during such operation is subject to the lawful direction and authority of a person who, at the time, is an operator licensee on duty in accordance with § 7.152 at the control point of an authorized land station of the same station licensee with which the shipyard mobile station is associated, and with which it is authorized to communicate.

(2) The station uses one or more of the following classes of emission only: A3 or F3 for telephony and on the same radio-channels as are authorized for telephony A0, A2, F0, F2 solely for transmitting by automatic means attention signals, signals for actuating selective-calling devices, for brief testing of the authorized apparatus, or station identification, or signals in an emergency involving safety:

(3) In addition to complying with all other applicable rules and regulations, the transmitting apparatus of the station shall meet the following requirements:

(i) Operation of the transmitting apparatus shall require only use of simple external switching devices excluding all manual adjustment of radio frequency determining elements;

(ii) The required radio frequency stability of the transmitting apparatus must be maintained (at all times during such operation by an unlicensed person) by the apparatus itself;

(iii) None of the operations necessary to be performed during the course of normal rendition of service of the station shall be capable of causing any radiation of emission on an unauthorized frequency; and

(iv) The transmitting apparatus shall be used with a device that will automatically prevent modulation in excess of 100 percent.

(4) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of the station that may affect its proper operation shall be made by or under the immediate supervision and responsibility of a person holding an operator license of the proper class for this purpose as prescribed in Part 13 of this chapter.

(5) Subsequent to any transmitter adjustments made in accordance with subparagraph (4) of this paragraph, and at all other times, the station licensee shall be responsible for determining that the transmitting equipment continues to meet the conditions prescribed by subparagraph (3) of this paragraph;

(6) The person(s) authorized by the licensee to operate the station shall, in lieu of a licensed operator, comply with the provisions of § 7.152 (a) as though he were a licensed operator;

(7) Nothing contained in this paragraph shall be construed to change or diminish in any respect, the responsibility of the station licensee for having and maintaining control of the station or for proper functioning and operation of the station in accordance with law;

(8) No unlicensed person, authorized as provided by this paragraph to operate a station, may lawfully perform any act in relation to such station that he could not lawfully perform if he were acting under the authority of a radio operator license issued in his behalf by the Commission.

29. Amend § 7.173 as follows: Change "a land or fixed station" to "a fixed, land, or mobile station".

30. Amend § 7.174 as follows:

a. Change "the maritime mobile service or in any fixed service" to "the maritime mobile service or in any fixed or land mobile service."

b. Insert the words "or land mobile service" between "fixed service" and "subject to this part".

31. Amend § 7.183 as follows:

a. Amend paragraph (a) to read as follows:

(a) Before any signals or communications are transmitted on any frequency, the licensed operator attending a land station or a land mobile station subject to this part (or the person responsible in lieu of a licensed operator in respect to land mobile stations for which the requirement of an operator license is waived by the Commission; or in a public coast station using telephony, the land-line telephone operator under the supervision of the licensed operator) shall first listen on the associated receiving frequency, and when necessary on the land or mobile station transmitting frequency, to determine insofar as it practicable whether transmission by the land or mobile station will interfere with communication already in progress, whenever the involved frequency or frequencies are assigned to other stations within the same interference area: *Provided*, That the requirement may be waived by the Commission upon application therefor in behalf of individual land stations which employ other effective means to avoid interference.

b. Amend paragraph (c) to read as follows:

(c) Communications between ship stations, between ships and aircraft stations, or between land stations and land mobile stations subject to this part, must not interfere with the work of coast stations. When this work is thus interfered with, the ship, aircraft, land mo-

bile, or land station which causes such interference must stop transmitting or change to a different authorized frequency upon the first request of the coast station concerned: *Provided*, That this requirement shall not apply to ships or aircraft stations when they are transmitting signals or communications relating to a ship or aircraft in distress.

c. Amend footnote 5 to read as follows:

[5] For example, all stations in the Great Lakes region are considered, with respect to operation on frequencies below 30 Mc, to be in the same interference area.

32. Amend § 7.186 as follows:

a. Change section title to read:

§ 7.186 *Hours of service of stations on land.*

b. Add a new paragraph (g) to read as follows:

(g) Unless otherwise specified by the Commission for particular stations, the hours of service of stations subject to this part which are not operating in the maritime mobile service shall be determined by the station licensee in accordance with the requirements of the service carried on by the station(s) involved, subject to such applicable conditions and limitations as are imposed by the rules of the Commission or by the International Radio Regulations.

33. Delete the existing paragraph (c) of § 7.189 and substitute therefore the following:

(c) (1) Each public coast station licensed to transmit by telephony on one or more frequencies within the band 1600 and 3500 kc shall, during its hours of service for telephony, maintain an efficient watch for the reception of class A3 emission on the radio-channel of which 2182 kc is the assigned frequency, whenever such station is not being used for transmission on that channel or, alternatively, shall monitor such radio-channel by automatic apparatus approved by the Commission for safety purposes: *Provided*, That with respect to such stations outside the Great Lakes area, this requirement shall be effective on and after January 1, 1954: *Provided further*, That the Commission may exempt any coast station from compliance with this requirement if it considers that such radio-channel is adequately guarded by other stations or that circumstances relative to the operation or location of the involved coast station are such as to render this requirement unreasonable or unnecessary for the purpose of this paragraph.

(2) Effective on and after January 1, 1954, each public coast station licensed to transmit by telephony on one or more frequencies within the band 156.35 to 162.05 Mc shall, during its hours of service for telephony, maintain an efficient watch for the reception of class F3 emission on the radio-channel of which 156.8 Mc is the assigned frequency, whenever such station is not being used for transmission on that channel or, alternatively, shall monitor such radio-channel by automatic apparatus approved by the Commission for safety purposes: *Provided*, That the Commission may exempt any coast station from compliance with this requirement if it considers that such radio-channel is adequately guarded by other stations or that the circumstances relative to the operation or location of the involved coast station are such as to render this requirement unreasonable or unnecessary for the purpose of this paragraph.

34. Delete the existing paragraph (d) of § 7.312 and redesignate paragraphs (e) and (f) as (d) and (e), respectively.

35. Redesignate existing "Subpart N—Violations" as "Subpart O—Violations" and insert a new "Subpart N—Stations Operated in the Land Mobile Service for Maritime Purposes" and establish the following new sections, with the associated footnotes, under new Subpart N:

§ 7.521 *Eligibility for shipyard base stations.* Under the provisions of this part, a station authorization will not be issued solely for a shipyard base station in the land mobile service. Subject to the provisions of § 7.523, only a land station authorized to operate as a limited coast station in the maritime mobile service may be authorized, upon proper application therefor, to be used additionally, and on a secondary basis, as a shipyard base station in the land mobile service.

§ 7.522 *Eligibility for shipyard mobile stations.* Under the provisions of this part, a station license will not be issued solely for one or more shipyard mobile stations in the land mobile service. Subject to the provisions of §§ 7.524 and 7.525, authority to construct, or to use and operate, one or more shipyard mobile stations in the land mobile service may be granted, upon proper application therefor, exclusively to the licensee or permittee of a limited coast station when that station is authorized to be used additionally and on a secondary basis as a shipyard base station in the land mobile service.

§ 7.523 *Showing precedent to shipyard base station authorization.* (a) Prior to a grant by the Commission of any shipyard base station authorization pursuant to the provisions of § 7.521, the applicant therefor must establish, in connection with each related application, that:

(1) Such applicant controls and operates a shipyard, in commerce, which is regularly engaged in the construction, change in construction, or repair of commercial transport vessels and/or Government vessels;

(2) Each limited coast station to be used additionally as a shipyard base station will be operated primarily as a coast station for communication with one or more commercial transport vessels operated and controlled by the applicant, which are used in connection with the construction, change in construction, or repair of commercial transport vessels and/or Government vessels by the shipyard to which reference is made in subparagraph (1) of this paragraph.

§ 7.524 *Showing precedent to shipyard mobile station authorization.* (a) Prior to a grant by the Commission of any shipyard mobile station authorization pursuant to the provisions of § 7.522, the applicant therefor must establish in connection with each related application, that each shipyard mobile unit on which a shipyard mobile station is to be installed and operated is:

(1) Controlled and operated by the applicant;

(2) To be used for the expeditious transportation of shipyard personnel, material, or supplies within the local geographic area to which reference is made in § 7.523 (a) (1) in connection with the construction, change in construction, or repair of commercial transport vessels or Government vessels by that shipyard.

§ 7.525 *Limitation on number of shipyard mobile stations.* (a) The number of shipyard mobile stations which may be authorized for each land station permittee or licensee pursuant to the provisions of §§ 7.522, and 7.524 shall be limited to a maximum of one shipyard mobile station for each three ship stations [1] when each ship station included for this purpose is:

(1) Licensed in the name of the particular land station permittee or licensee;

(2) Located on board a commercial transport vessel operated and controlled by the particular land station permittee or licensee;

(3) Used for communication with one or more limited coast stations of the same station licensee, in connection with the construction, change in construction, or repair of commercial transport vessels and/or Government vessels.

§ 7.526 *Points of communication.* (a) Subject to the provisions of § 7.527, a land station, when operating as a shipyard base station, is authorized to communicate exclusively with shipyard mobile stations of the same licensee.

(b) Subject to the provisions of § 7.527, each shipyard mobile station is authorized to communicate exclusively with any land station of the same licensee which is licensed to operate as a shipyard base station.

§ 7.527 *Limitations on use.* (a) Communication between a land station, operating as a shipyard base station, and any shipyard mobile station may be transmitted only when:

(1) The involved facilities of the land station are not required at the same time for any maritime mobile service; and

(2) Both the land station and the shipyard mobile station are within a geographic area designated by the Commission in reference to those stations.

(b) Each shipyard mobile station shall be operated exclusively within the local geographic area specified in the applicable station authorization: *Provided*, That such stations shall not be operated in the immediate vicinity of any transmitting or receiving radio installation of any land station (other than a land station of the same licensee) or any U. S. Government station, which transmits or receives on any radio-channel(s) above 100 Mc unless the fact has been established, by actual tests in coopera-

[1] For example, the licensee of up to and including 5 ship stations is entitled to one shipyard mobile station; the licensee of 6, 7, or 8 ship stations is entitled to two shipyard mobile stations, etc.

tion with the involved station(s), that interference is not caused by such operation to the service of the land station or Government station concerned.

(c) Under no circumstances shall the operation of a shipyard mobile station or a land station being used as a shipyard base station interfere with any maritime mobile service.

§ 7.528 *Scope of communication.* (a) Each land station, when operating as a shipyard base station, and each shipyard mobile station is authorized to transmit:

(1) Communication concerning the use of shipyard mobile units for expediting the construction, change in construction, repair, servicing, or maintenance of commercial transport vessels or government vessels by the shipyard which controls and operates such mobile units;

(2) In an emergency, communication concerning the immediate safety of life or property when the use of other communication facilities might be less effective.

(b) Transmission of any other class of communication by shipyard base stations or shipyard mobile stations is not authorized.

§ 7.529 *Assignable frequencies.* (a) Provided one of the following designated carrier frequencies is authorized for use by a particular limited coast station in the maritime mobile service in accordance with the applicable provisions of Subpart J of this part, such carrier frequency may be authorized for additional use by that land station for operation (on a secondary basis in reference to maritime mobile service) as a shipyard base station in a supplemental land mobile service:

(1) For use by stations in any area: 156.5 Mc.

(2) For use by stations in any area except the Great Lakes area: 156.4 Mc.

(3) For use by stations located more than 100 miles from the Great Lakes, the Mississippi River or any tributary thereof, and the Gulf of Mexico intra-coastal waterway: 157.0 Mc.

(b) The carrier frequency which may be authorized for use (on a secondary basis in reference to maritime mobile service) by one or more shipyard mobile stations is the same as that authorized, in accordance with the provisions of paragraph (a) of this section, for use by a land station of the same permittee or licensee with which such mobile stations are to communicate: *Provided,* That the same carrier frequency is licensed also for use by ship stations of that permittee or licensee which regularly communicate with that land station.

§ 7.530 *Technical requirements.* The authorized frequency tolerance, authorized class of emission, authorized emission-bandwidth, and authorized transmitter power for shipyard base stations and shipyard mobile stations shall be the same as is designated for coast stations in Subpart E of this part.

§ 7.531 *Cooperative use of facilities.* If, in a particular geographic area, the use and operation of shipyard mobile stations and shipyard base stations by a plurality of station licensees using the same frequency assignment(s) causes intolerable interference, even though all provisions of this part relative to the reduction of interference have been fully complied with, the Commission may, in accordance with the provisions of the Communications Act, require the involved station licensees to join in a single cooperative organization for rendition of the necessary land mobile service within the affected area by a single station licensee.

§ 7.532 *General operating procedure.* (a) All communication engaged in by shipyard base and mobile stations shall be limited to the minimum practicable transmission time, and each station licensee shall employ standardized operating practices and procedures to this effect.

(b) Each licensee of shipyard mobile stations shall exercise such control over the transmissions of those stations as is necessary to avoid interference to calls from ship stations which may be transmitted on the radio-channel used by the shipyard mobile stations.

(c) Calling a particular station, either by voice or by other means, shall not continue for a period of more than 30 seconds in each instance. If the called station is not heard to reply, that station shall not again be called until after an interval of three minutes. In event of an emergency involving safety, these time limitations shall not apply.

(d) Shipyard base stations may use authorized classes of emission for the selective calling of shipyard mobile stations on each radio-channel authorized for communication between such base and mobile stations.

§ 7.533 *Identification of stations.* (a) All emissions of a shipyard base station shall be clearly identified by voice transmission therefrom in the English language of either (1) the official call sign assigned to that station[1] by the Commission, or (2) the name of the station licensee (in abbreviated form if practicable) as formally reported to and approved by the Commission; if the licensee operates more than one shipyard base station within mutual interference range, the name of the licensee shall be followed by a digit indicating distinctly the respective land station, as formally reported to the Commission.

(b) All emissions of a shipyard mobile station shall be clearly identified by voice transmission in the English language of either (1) the single official call sign assigned by the Commission to the shipyard mobile station(s) of that licensee in the particular geographic area, followed by two digits indicating distinctly the respective shipyard land mobile unit as reported to the Commission, or (2) the name of the station licensee (in abbreviated form if practicable) as formally reported to and approved by the Commission followed by two digits indicating distinctly the respective shipyard land mobile unit as reported to the Commission.

[1] The official call sign assigned to the same station as a coast station in accordance with § 7.72.

(c) Identification of stations as prescribed in this section shall be made:

(1) Whenever another station is called;

(2) Upon completion of each communication with any other station;

(3) At the beginning and upon completion of each transmission made for any other purpose.

§ 7.534 *Procedure in testing.* With respect to test transmission, the provisions of § 7.367 which apply to limited coast stations and marine-utility stations shall apply also to shipyard base stations and shipyard mobile stations: *Provided,* That the term "licensed radio operator" as used in subparagraph (1), paragraph (a) of that section shall, with respect to test operation of shipyard mobile stations pursuant to this section, be construed in each instance to mean the operator licensee on duty at the control point of the associated shipyard base station as provided in § 7.156 (a) (1).

§ 7.535 *Station documents.* (a) With respect to documents required to be available at a shipyard base station, the provisions of § 7.369 which apply to limited coast stations using telephony shall apply also to shipyard base stations.

(b) Each shipyard mobile station shall be provided with the following documents during its hours of service:

(1) A valid station authorization, available in accordance with § 7.102.

(2) The necessary operator license or licenses, available in accordance with § 7.155 (this requirement is not applicable when the station is operated under the provision of § 7.156).

§ 7.536 *Station records.* (a) (1) With respect to station records required to be maintained by a shipyard base station, the provisions of § 7.370 which apply to limited coast stations using telephony shall apply also to shipyard base stations.

(2) Each licensee of a land station operated as a shipyard base station shall, upon specific request made by the Commission, be responsible for the submission of such reports as are requested by the Commission to show the value and practical performance of that station and the associated shipyard mobile station(s) in the land mobile service in relation to the maritime mobile service for which the same land station is licensed.

(b) Unless otherwise determined by the Commission subsequent to pertinent developments in the use and operation of shipyard mobile stations, no station records need be maintained by those stations upon the express condition that (1) such station records as are required by other applicable sections of this part (including §§ 7.109, 7.110, and 7.111) are maintained as part of the required records of the associated shipyard base station, and (2) the records of the latter station with respect to the log entries required by § 7.370 (a) (7), (8) and (9) shall include the specified information concerning the involved shipyard mobile station(s).

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Amend Part 8, Stations on Shipboard in the Maritime Services as follows:

1. Amend § 8.24 as follows: In place of that part of the text which reads "Except as provided in paragraphs (c) and (f) of § 8.42", substitute the following: "Except as otherwise provided in §§ 8.41 and 8.42".

2. Amend § 8.33 as follows: After "as prescribed in § 8.36 shall" and before "be submitted," insert the following: ", except as otherwise provided by section 8.42,".

3. Amend § 8.34 as follows: Insert at the beginning of the existing text before the first word "Application", the following: "Except as otherwise provided by § 8.42,".

4. Renumber § 8.41 as § 8.50, and add a new § 8.41 to read as follows:

§ 8.41 *Application for special temporary station authorization.* (a) Application for special temporary authority in lieu of or supplemental to normal form of station license for use and operation of radio transmitting apparatus on board ship in the maritime mobile service or the maritime radiolocation service, not involving an emergency found by the Commission, shall be limited to circumstances in which need exists for temporary use, for a limited period of time, of:

(1) Radio transmitting apparatus not currently authorized for the desired operation, or

(2) An authorized station in a manner or at times not permitted by the current station authorization.

(b) In accordance with paragraph (a) of this section written application for special temporary authority for the use and operation of radio transmitting apparatus on board ship may be filed formally as prescribed by § 8.26, except that such application shall be filed not less than 10 days prior to the earliest date of proposed operation unless an acceptable reason for failure to meet this time limitation is included in the application or is otherwise evident to the Commission.

(c) (1) Each application for special temporary authority submitted under the provisions of this section shall contain, as a minimum requirement, the following information:

(i) Name of applicant;

(ii) Name of agent, if application is made by an agent, in cases under § 1.303 of this chapter;

(iii) Official call letters of any valid station authorization or construction permit already held by applicant, and the related station location;

(iv) Name and type of ship;

(v) Official registry number of ship, if available;

(vi) Official call letters or radio call sign, if any, assigned to ship;

(vii) Explanation of need for special temporary authority in lieu of normal form of station license;

(viii) Class of station and nature of service desired;

(ix) Complete particulars concerning purpose and nature of proposed operation;

(x) Specific station(s) or class of station(s), whichever is appropriate, with which communication is intended;

(xi) Frequency assignment, authorized transmitter power, and authorized class or classes of emission desired;

(xii) Equipment to be used, specifying the manufacturer, model number, rated power, and frequency stability to be maintained;

(xiii) The date(s) and time(s) of the proposed operation.

(2) Each application for special temporary authority submitted under the provisions of this section shall, in addition to the information specified in subparagraph (1) of this paragraph, contain such of the following information as is not already on file with the Commission:

(i) Address of applicant;

(ii) Address of agent, if application is made by an agent, in cases under § 1.303 of the Commission's rules.

(iii) Relation of applicant to owner of vessel;

(iv) Factual statements to the extent necessary for the Commission to determine whether or not the granting of the desired authorization will be in accordance with the citizenship requirements of section 310 of the Communications Act.[c]

5. Add the following new § 8.42:

§ 8.42 *Application for license or modification or renewal of license in an emergency.* (a) In cases of emergency found by the Commission,[d] application for station license or for modification or for renewal of station license to authorize, for a period not to exceed three months, certain use and operation of radio transmitting apparatus on board ship in the maritime mobile or maritime radiolocation service in accordance with applicable provisions of treaty, statute, and rules of the Commission, may be filed:

(1) By telegram; or

(2) By telephone when this method is necessary in lieu of filing by telegram;

(3) *Provided*, That in such cases as may be considered necessary by the Commission, the applicant may be required to supplement such telegraphic or telephonic application by filing, as soon as practicable thereafter, a written application for the same authorization as normally prescribed by applicable provisions of this part.

(b) (1) Each application for station license or for modification or renewal of station license submitted under the provisions of paragraph (a) of this section shall contain, as a minimum requirement, the following information:

(i) Name of applicant;

(ii) Name of agent, if application is made by an agent, in cases under § 1.303 of this chapter;

(iii) Name and type of ship;

(iv) Official registry number of ship, if available;

(v) Official call letters or radio call sign, if any, assigned to ship;

(vi) Period of time for which authorization is desired, if less than three months;

(vii) Class of station desired [e] (not required for renewal, nor for modification unless class of station is to be modified);

(viii) Frequency assignment, authorized transmitter power(s), and authorized class or classes of emission desired (not required for renewal; required for modification only to the extent such information may be involved) [d];

(ix) Equipment to be used, specifying the manufacturer and model number (not required for renewal; required for modification only to the extent such information may be involved);

(x) Specific station(s) with which communication is desired (not required for renewal; otherwise required only when applicable under the Commission's rules);

(xi) Statement of facts which, in the opinion of the applicant, constitute an emergency to be found by the Commission for the purpose of this section.

(2) Each application for station license submitted under the provisions of paragraph (a) of this section shall, in addition to the information specified in subparagraph (1) of this paragraph, contain such of the following information as is not already on file with the Commission:

(i) Address of applicant;

(ii) Address of agent, if application is made by an agent, in cases under § 1.303 of the Commission's rules;

(iii) Relation of applicant to owner of vessel;

(iv) Factual statements to the extent necessary for the Commission to determine whether or not the granting of the desired authorization will be in accordance with the citizenship eligibility requirements of section 310 of the Communications Act.[e]

(c) As provided by and in accordance with the provisions of paragraphs (a) and (b) of this section in respect to application for station license or modification or renewal of station license, application also may be filed, in cases of emergency found by the Commission, for a permit to be issued by cable, telegraph, or radio for the operation of a station on board a ship at sea, to be effective in lieu of a station license until such ship shall return to a port of the continental United States even though the effective term of such permit may exceed 3 months in duration.

6. Amend § 8.63 as follows:

a. Amend paragraph (a) as follows: In place of the parenthetical clause "(other than licenses for developmental stations)", substitute the following: "(other than licenses for developmental stations, special temporary authorizations, and licenses issued on the basis of applications made by telegram or telephone)".

---

[c] See § 8.23.

[d] For example, an emergency is found by the Commission when the desired authorization is urgently needed for the use of shipboard radio apparatus for purposes of safety at sea, and circumstances beyond control of the applicant have prevented the filing of a written application, as normally prescribed by applicable provisions of this part, on a date which would assure its receipt by the Commission in time sufficient for the Commission to take appropriate action thereon.

[e] See § 8.22.

[d] When appropriate, reference need be made only to applicable sections of the Commission's rules in lieu of detailed information.

[e] See § 8.23.

b. Add a new paragraph (b) to read:

(b) Each license, modification of license, or renewal of license issued solely on the basis of an applicaton filed by telegram or telephone in accordance with § 8.42 shall become effective, unless otherwise directed by the Commission, at the time when granted by the Commission and shall expire at 3:00 a. m., e. s. t., on a date not more than three months from the date of grant: *Provided*, That each renewal license, granted hereunder prior to expiration of the license which it will renew, shall become effective upon expiration of the latter license, and shall expire at 3:00 a. m., e. s. t., on a date not more than three months from the date on which it became effective.

c. Add a new paragraph (c) to read:

(c) A permit for the operation of a station on board a ship at sea, issued as the result of an application therefor filed under the provisions of § 8.42 shall be effective in lieu of a station license until such ship first arrives at a port of the continental United States subsequent to the time of issuance of such permit.

7. Amend § 8.64 as follows:

a. Change section title to read:

§ 8.64 *License periods for temporary operation.* * * *

b. Add a new paragraph (b) to read as follows:

(b) Each special temporary authorization granted on the basis of an application filed under the provisions of § 8.41 shall be issued specifically upon a temporary basis for a specified period of time not to extend beyond the date of expiration of the outstanding license of the particular station to which it applies or for a specified period of time not exceeding the normal license term of stations of the particular class and in the particular service designated in such special temporary authorization.

8. Add a new § 8.73 to read as follows:

§ 8.73 *Permanent discontinuance of station operation.* In case of permanent discontinuance of operation of a station on board ship in the maritime mobile service or the maritime radiolocation service, the licensee of that station shall, as soon as possible, return the station license[1] to the Secretary, Federal Communications Commission, Washington 25, D. C., and shall as soon as possible, request by telegram or letter addressed to the Secretary that such license be cancelled. In the event, however, that such license is not available for this purpose, the licensee shall, by telegram or letter, inform the Secretary of that fact, stating the reason why the license is not available, and shall request that the license be cancelled. If the station is within the United States, a copy of each telegram or letter sent to the Secretary pursuant to this section shall be forwarded at the same time to the Commission's Engineer in Charge of the radio district in which the station then is located.

[1] See §§ 8.37 and 8.67.

9. Amend § 8.102 by adding a new paragraph (d), to read as follows:

(d) Notwithstanding the provisions of paragraphs (a), (b), and (c) of this section, notification by telegram or by letter, in each case by the Secretary of the Commission, stating that the Commission has granted an appropriate station authorization, may be posted in lieu of such authorization if the latter has not yet been received by the station licensee or permittee: *Provided*, That as the result of an official inspection of the station by an authorized representative of the Commission the posting of such notification may not be accepted in lieu of the formal station authorization until additional information pertaining thereto, as may be deemed necessary by that representative for purposes of official inspection, has been obtained from the Commission at Washington, D. C.

10. Section 8.106 is amended by:

a. Deleting the existing paragraph (a) and substituting therefor the following:

(a) Each ship station which:

(1) Is first licensed after January 1, 1954, for telephony on any radio-channel within the band 1600 kc to 3500 kc; or is authorized by license modification granted after January 1, 1954, to use additional or substitute radio apparatus for telephony on any radio-channel within the band 1600 kc to 3500 kc; or is authorized by license renewal granted after January 1, 1955, for telephony on any radio-channel within the band 1600 to 3500 kc; or

(2) Is licensed for telephony on any radio-channel within the band 1600 kc to 3500 kc, and is located on board a ship navigated on the Great Lakes;

shall be capable of transmitting and receiving (and shall be licensed to transmit) class A3 emission (modulation by voice frequencies) on the radio-channel of which 2182 kc is the authorized carrier frequency: *Provided*, That with respect to ship stations on board vessels navigated solely within 300 nautical miles of Charleston, South Carolina; Jacksonville, Florida; or Wilmington, California, or solely within 600 nautical miles of Vancouver, British Columbia, this requirement shall become effective on or after the respective date above designated, only when specifically ordered by the Commission.

b. Adding a new paragraph (c) to read:

(c) Effective on and after January 1, 1954, each ship station, and each marine-utility station when used on board ship (except an experimental or developmental station), which is licensed to transmit by telephony on any radio-channel within the frequency band 156.25 Mc to 157.45 Mc, shall be capable of transmitting and receiving (and shall be licensed to transmit) class F3 emission on the radio-channels of which the authorized carrier frequencies are 156.3 Mc and 156.8 Mc and additionally on at least one radio-channel in this frequency band which is authorized for communication with a coast station or station: *Provided*, That each ship station licensed prior to January 1, 1952, to use less than three radio-channels for telephony within this band under authority of an experimental or developmental station license, need not comply with this requirement, when authorized to use the same transmitting equipment under regular class of ship station license, until on and after January 1, 1955: *Provided further*, That this requirement shall not apply to marine-utility stations or other stations of portable nature which are not capable of a plate input power in excess of three watts and are not capable of being readily adjusted for operation on more than one radio channel. The requirement of this paragraph, in respect to basic type of equipment, may be satisfied by the provision of (1) multi-channel equipment, or (2) a plurality of single channel equipments, or (3) a combination thereof, at the option of the station licensee or the applicant for station license.

11. Delete the existing § 8.135 and substitute therefor the following:

§ 8.135 *Suppression of interference from receiving apparatus.* (a) The use or operation of any radio receiving system or apparatus on board a ship of the United States (excluding lifeboats and other survival craft) shall not, by reason of emission[2] thereform, cause harmful interference to any authorized maritime mobile or maritime radiolocation service or impair the efficiency of any auto-alarm or watch on any radio frequency used for either of these services: *Provided*, That this regulation shall not prevent the use or operation of any radio receiving apparatus or system on board ship when the installation or use thereof is required by act of Congress or any treaty to which the United States is a party unless the Commission finds that the interfering emission from such apparatus or system is capable of:

(1) Creating an electromagnetic field, at a distance over sea water of one nautical mile from the receiver, in excess of the following value(s):

Frequency of interfering emission:	*Field intensity in microvolts per meter*
Below 30 Mc	0.1
30 to 100 Mc	.3
100 to 300 Mc	1.0
Over 300 Mc	3.0

or

(2) Delivering more than the following amounts of power, to an artificial antenna having electrical characteristics designated by the Commission as equivalent to those of the average receiving antenna(s) used on shipboard:

Frequency of interfering emission:	*Power into artificial antenna in micromicrowatts*
Below 30 Mc	400
30 to 100 Mc	4,000
100 to 300 Mc	40,000
Above 300 Mc	400,000

(b) Any specifically identified type of radio receiving apparatus or system required to be installed or used on board a ship by Act of Congress or any treaty to which the United States is a party shall be exempt from any subsequent

[2] See § 8.7 (d).

finding by the Commission pursuant to subparagraphs (1) and (2) of paragraph (a) of this section if the Commission, as a result of engineering measurements made relative to emission produced by such type of apparatus or system, finds that such emission, as developed on frequencies to which the provisions of paragraph (a) of this section apply under conditions equivalent to normal use or operation on board ship, is not in excess of the value(s) specified in subparagraphs (1) and/or (2) of paragraph (a) of this section.

12. Delete the existing § 8.223 and substitute therefor the following:

§ 8.223 *Watch on 2182 kc.* (a) Each ship station on board a ship navigating the Great Lakes and licensed to transmit by telephony on one or more frequencies within the band 1600 to 3500 kc shall, during its hours of service for telephony, maintain an efficient watch for the reception of class A3 emission on the radio-channel of which 2182 kc is the assigned frequency, whenever the station is not being used for transmission on that channel or for communication on other radio-channels.

(b) Effective on and after January 1, 1954, except as provided in paragraph (c) of this section, each ship station (in addition to those ship stations specified in paragraph (a) of this section) licensed to transmit by telephony on one or more frequencies within the band 1600 to 3500 kc shall, during its hours of service for telephony, maintain an efficient watch for the reception of Class A3 emission on the radio-channel of which 2182 kc is the assigned frequency, whenever such station is not being used for transmission on that channel or for communication on other radio channels. When the ship station is in Region 1 or 3, such watch shall, insofar as is possible, be maintained at least twice each hour for 3 minutes commencing at x h 00 and x h 30, Greenwich mean time (G. m. t.).

(c) With respect to ship stations on board vessels when within 300 nautical miles of Charleston, South Carolina; Jacksonville, Florida; or Wilmington, California; or within 600 nautical miles of Vancouver, British Columbia, the requirement of paragraph (b) of this section shall become effective on or after January 1, 1954, only when specifically ordered by the Commission.

13. Delete the existing § 8.364 and substitute therefor the following:

§ 8.364 *Identification of station.* (a) All radiotelephone emission of a ship station or a marine-utility station on board a ship shall be clearly identified by transmission therefrom in the English language of the official call sign assigned to that station by the Commission; provided that, in lieu of identification of the station by voice, the official call sign may be clearly transmitted by tone-modulated telegraphy in the International Morse Code either by a duly licensed radiotelegraph operator or by means of an automatic device approved for this purpose by the Commission. This identification shall be made:

(1) At the beginning and upon completion of each communication with any other station;

(2) At the beginning and upon conclusion of each transmission made for any other purpose; and

(3) At intervals not exceeding 15 minutes whenever transmission is sustained for a period exceeding 15 minutes.

(b) When an official call sign is not assigned by the Commission to a ship station using telephony, the complete name of the ship on which the station is located and the name of the licensee shall be transmitted by voice in the English language for the purpose of station identification.

(c) The provisions of paragraphs (a) and (b) of this section shall apply also to ship stations of portable nature when using telephony and operated on board ship pursuant to §§ 8.40 and 8.71.

14. Section 8.366 is amended by:

a. Deleting the existing paragraph (b) and substituting therefor the following:

(b) *Use of calling frequency required.*[24] (1) Except when other operating procedure is used to expedite safety communication or is established in advance by and between the stations concerned, ship stations in the Great Lakes area, before transmitting on the intership radio-channel of which 2003 kc is the authorized carrier frequency, shall first establish communication with each other by initially calling and answering on the calling channel of which 2182 kc is the authorized carrier frequency.

(2) Except when other operating procedure is used to expedite safety communication or is established in advance by and between the stations concerned, ship stations, before transmitting on the intership radio-channel of which either 2638 or 2738 kc is the authorized carrier frequency, shall first establish communication with each other by initially calling and answering on the calling channel of which 2182 kc is the authorized carrier frequency: *Provided*, That this requirement shall be effective on and after January 1, 1954, except that for ship stations on board vessels when within 300 nautical miles of Charleston, South Carolina; Jacksonville, Florida; or Wilmington, California; or within 600 nautical miles of Vancouver, British Columbia this requirement shall become effective on or after January 1, 1954, only when specifically ordered by the Commission.

(3) Except when other operating procedure is used to expedite safety communication or is established in advance by and between the stations concerned, the radio-channel of which 156.8 Mc is the authorized carrier frequency shall be used for call and reply by ship stations and marine-utility stations on board ship before establishing ship-to-ship communication on the radio-channel of which the authorized carrier frequency is, in all areas, 156.3 Mc; in the Great Lakes area 156.7 Mc or 157.0 Mc; and on the Mississippi River and tributaries and the Gulf of Mexico Intracoastal Waterway 157.0 Mc: *Provided*, That this requirement shall be effective on and after January 1, 1954: *Provided further*, That this requirement shall not apply to marine-utility stations or other stations of portable nature which are not capable of a plate input power in excess of three watts and are not capable of being readily adjusted for operation on more than one radio-channel.

b. Deleting the existing paragraph (h) and redesignating existing paragraphs (i) and (j) as paragraphs (h) and (i), respectively.

15. Delete the existing § 8.368 and substitute therefor the following:

§ 8.368 *Station records.* (a) Ship stations using telephony shall maintain an accurate radio telephone log during their hours of service, as hereinafter specified:

(1) Each sheet of the log shall be numbered in sequence and shall include the name of the vessel, official call sign of the ship station, and the signature of the licensed operator (or other person in accordance with § 8.155) who is responsible for operation of the radiotelephone transmitting apparatus. The use of initials or signs in lieu of the operator's signature is not authorized.

(2) Except as provided otherwise in subparagraph (3) of this paragraph, the date and time of making each entry shall be shown opposite the entry and the time shall be expressed in Greenwich mean time (G. m. t.) as follows: The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "G. m. t." shall be marked at the head of the column in which the time is entered.

(3) As an alternative to the use of Greenwich mean time in making entries as specified in subparagraph (2) of this paragraph, ship stations on board vessels not engaged on international voyages or while navigated on the Great Lakes or inland waters of the United States, may express the time of each entry in local standard time (e. s. t., c. s. t., etc., counted from 0000 to 2400 o'clock, beginning at midnight),[25] with the appropriate abbreviation "e. s. t," "G. s. t.," etc., entered at the head of the column in which time is entered, *Provided*, That in the Great Lakes area, eastern standard time (e. s. t.) exclusively may be used as the only alternative to Greenwich mean time. The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation.

(4) Except when transmission occurs on a frequency above 30 Mc and the ship station is on inland waters of the United States other than in the Great Lakes area, all radiotelephone distress, urgency or safety signals and communications made or intercepted; a summary, if possible, of such communications; and any information which may appear to be of

[24] See §§ 8.106, 8.353, 8.358, and 8.359.

[25] For example, 7:01 p. m. eastern standard time would be entered as 1901 e. s. t.: 7:30 a. m. eastern standard time would be entered as 0730 e. s. t.: 7:45 p. m. eastern standard time would be entered as 1945 e. s. t.

importance to maritime safety shall be entered, together with the time of such observation or occurrence, identification of the radio-channel(s) on which such signals or messages were transmitted or received, and the position of any ship, or other mobile unit in need of assistance, if this can be determined. In addition, the ship's own position and the distance from the distressed ship or other mobile unit, if obtainable, shall be entered. These entries shall be made by a licensed operator or by a member of the crew who is designated and authorized by the master to do so; the signature of the person(s) making the entries shall appear in the log and shall be properly related to each particular entry for this purpose.

(5) With respect to ship stations which, by reason of the provisions of § 8.223, are required to maintain a watch on the radio-channel designated for radiotelephone calling and distress (assigned frequency 2182 kc), entries shall be made showing each time this watch is begun, suspended, or concluded; without any requirement, however, of making entries solely to show interruption of this watch due to authorized communication with other stations. The required entries shall be made by a licensed operator or by a member of the crew who is designated and authorized by the master to do so; the signature of each person making these entries and each person who actually maintains such watch shall appear in the log and shall be properly related to each particular entry for this purpose.

(6) A summary of communications exchanged between the ship station and mobile stations or land stations (except public coast stations in the United States) shall be entered when:

(i) Communication with a foreign station occurs; or

(ii) Transmission occurs on a radio-channel below 30 Mc; or

(iii) Transmission occurs on a frequency above 30 Mc and the ship station is within the territorial waters of a foreign country (except in the Great Lakes area) or is at sea within less than 150 nautical miles of a foreign country; or

(iv) The entries prescribed in this subparagraph shall be made by a licensed operator or by a member of the crew who is designated and authorized by the master to do so; the signature of the person(s) making the entries shall appear in the log and shall be properly related to each particular entry for this purpose.

(7) An entry shall be made giving pertinent details of all installations, service, or maintenance work performed which may effect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless such operator is regularly employed on a full-time basis at the station and his operator license is properly posted, such entry shall include his mail address and the class, serial number, and expiration date of his operator license.

(b) Marine-utility stations on board ship shall maintain an accurate radiotelephone log during their hours of service as follows:

(1) Each sheet of the log shall be numbered in sequence, shall include the general geographic area of navigation of the vessel upon which the station is operated, the name of the vessel, official call sign of the marine-utility station and the signature of the licensed operator (or other person in accordance with § 8.155) who is responsible for operation of the marine-utility station (the use of initials or signs in lieu of signatures is not authorized).

(2) Appropriate entries shall be made in the log giving pertinent details of all installations, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless such operator is regularly employed on a full time basis at the station and his operator license is properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

16. Amend § 8.502 by adding a new paragraph (a) (5) to read as follows:

(5) A main antenna and a separate emergency antenna shall be installed.

17. Delete the existing § 8.517 and substitute the following therefor:

§ 8.517 *Requirements for direction-finder.* (a) To be approved by the Commission, as provided by § 8.516, the radio direction-finder (radio compass) shall:

(1) Be capable of efficiently receiving signals (at least types A2 and B emission) with the minimum of receiver noise, on each radio-channel within the frequency band 285 to 515 kc which is designated by the International Radio Regulations for distress, direction-finding, or marine radio beacons;

(2) Be capable of receiving types A1, A2, and B emission, if installed on board ship after January 1, 1940;

(3) Be capable of taking bearings on received radio signals as set forth in subparagraphs (1) and (2), of this paragraph, from which the true bearing and direction may be determined;

(4) Be accurately calibrated for the purpose of taking bearings from which the true bearing and direction may be determined for actual use in maritime radiolocation service and maritime radionavigation service; and

(5) Have a sensitivity, in the absence of interference, sufficient to permit of accurate bearings being taken on a signal having a field strength as low as 50 microvolts per meter.

(b) The calibration of the direction-finder shall be verified whenever any changes are made in the physical or electrical characteristics or the location of any antenna(s) on board the vessel, or whenever any changes are made in any structure(s) on deck, which might appreciably affect the accuracy of the direction-finder. The calibration particulars shall be checked at yearly intervals or as near thereto as possible. A record of the calibration of any checks made of their accuracy shall be maintained on board the vessel for a period of not less than 1 year from the date of the related action.

(c) Under conditions inherent in the operation of commercial shipping whereby it is impracticable for the Commission's inspecting engineer to determine, prior to departure of a vessel from a harbor or port for a voyage in the open sea, whether or not the direction finder complies with the requirement of subparagraph (4) of paragraph (a) of this section, the direction finder may be approved with respect to meeting that particular requirement, contingent upon the availability of sufficient information at a subsequent inspection to justify the continuance of such approval, on condition that:

(1) Prior to departure of the vessel, the master certifies in writing to the Commission's inspecting engineer that calibration of the direction finder as required by subparagraph (4) of paragraph (a) of this section will be completed to the satisfaction of the master before such vessel is navigated thereafter on a voyage in the open sea; and

(2) During a subsequent official inspection of the direction finder, when such vessel has been navigated in the open sea outside a harbor or port after certification was given by the master as prescribed in subparagraph (1) of this paragraph, the master shall make available to the Commission's inspecting engineer the appropriate written records resulting from calibration of the direction finder pursuant to said certification. If the information contained in these written records is satisfactory to the Commission's inspecting engineer, approval of the direction finder, with respect to meeting the requirement of subparagraph (4) of paragraph (a) of this section, as given initially under the provisions of this paragraph, will be continued.

(3) In the absence of acceptable evidence of compliance with the requirement of subparagraph (4) of paragraph (a) of this section, at the time of the subsequent inspection mentioned in subparagraph (2) of this paragraph, or during any following inspection, the Commission may withdraw approval of the direction finder until such time as the necessary evidence of compliance with this requirement is available.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

[F. R. Doc. 52-5050; Filed, May 5, 1952; 8:52 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 865-A]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of April A. D. 1952.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800; 16 F. R. 326, 819, 1131, 2040, 2894, 3619, 5175, 6184, 7359, 8583, 9901, 10994, 11313, 12096, 13102; 17 F. R. 896, 1857, 2850, 3166), and good cause appearing therefor: It is ordered, that:

Section 95.865 *Demurrage on freight cars* of Service Order No. 865 be, and it is hereby suspended until 7:00 a. m., May 16, 1952.

It is further ordered, that this order shall become effective at 7:00 a. m., May 1, 1952; that a copy of this order and direction be served upon each State railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-5034; Filed, May 5, 1952; 8:50 a. m.]

[S. O. 882]

PART 95—CAR SERVICE

MOVEMENT OF IRON ORE RESTRICTED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of April A. D. 1952.

It appearing, that the Defense Transport Administration has made representations to this Commission regarding an emergency existing with respect to ore transportation, and has recommended that this Commission take such action as is necessary under the circumstances; the Commission is of the opinion that an emergency requiring immediate action exists at certain Great Lake ports where vessels discharge ore into railroad freight cars: It is ordered, that:

§ 95.882 *Movement of iron ore restricted.* (a) Any railroad subject to the Interstate Commerce Act serving ports on Lake Erie and Lake Michigan where ore is dumped from vessels into railroad cars may load and hold: (1) Class "H" hopper cars, and (2) not to exceed 200 Class "G" gondola cars, as described in the Official Railway Equipment Register, Agent M. A. Zenobia's ICC R. E. R. No. 302, supplements thereto or reissues thereof, when such cars are loaded with iron ore, as provided in this section. Only Class "H" hopper cars and Class "G" gondola cars currently available at the ports named in this section or their adjacent serving yards and those released at such ports in the future may be used for this loading.

(b) *Application.* This section shall apply at any port on Lake Erie or Lake Michigan where iron ore is dumped from vessels into such cars. Such cars, whether billed or unbilled, may be held at any point designated by the road-haul carrier for its convenience.

(c) *Demurrage or storage charges waived.* No railroad subject to this section shall assess or collect any demurrage or storage for the detention of cars loaded with iron ore and held in accordance with this section.

(d) *Railroads to furnish information.* Each railroad subject to this section shall furnish the Director of the Bureau of Service, Interstate Commerce Commission, Washington 25, D. C., daily, through the Association of American Railroads, the total number and type of cars held in accordance with the provisions of this section and the name of the point or points at which such car or cars are held.

(e) *Intrastate and interstate.* This section shall apply to intrastate, as well as interstate traffic.

(f) *Rules, regulations, and practices suspended.* The operation of all rules, regulations, and practices, insofar as they conflict with the provisions of this section, is hereby suspended.

(g) *Announcement of suspension.* Each such railroad or its agent shall publish, file, and post a supplement to each of its tariffs affected hereby in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

(h) *Effective date.* This section shall become effective at 7:00 a. m., May 1, 1952.

(i) *Expiration date.* This section shall expire at 11:59 p. m., May 15, 1952.

It is further ordered, that this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1.)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-5035; Filed, May 5, 1952; 8:50 a. m.]

TITLE 46—SHIPPING

[CGFR 52-25]

Chapter I—Coast Guard, Department of the Treasury

Subchapter H—Great Lakes; General Rules and Regulations

PART 76—BOATS, RAFTS, BULKHEADS AND LIFESAVING APPLIANCES

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes; General Rules and Regulations

PART 94—BOATS, RAFTS, BULKHEADS AND LIFESAVING APPLIANCES

LIFEBOATS AND LIFE RAFTS REQUIRED ON INSPECTED MOTOR VESSELS

Inspected motor vessels navigating on coastwise waters are allowed by 46 CFR 60.6 to substitute life rafts or life floats for lifeboats where it is impracticable to carry lifeboats. Inspected motor vessels navigating the Great Lakes, or bays, sounds, and lakes other than the Great Lakes are not presently allowed by 46 CFR 76.10 and 94.10 to substitute life rafts or life floats for lifeboats where it is impracticable to carry lifeboats. This inconsistency in the regulations has created a situation where more stringent requirements regarding lifesaving appliances apply to inspected motor vessels operating on waters where generally less restrictive requirements have been adopted.

The purpose of the amendments to 46 CFR 76.10 and 94.10 is to lower the requirements regarding lifeboats for inspected motor vessels navigating the Great Lakes or bays, sounds, and lakes other than the Great Lakes by allowing life rafts or life floats to be substituted for lifeboats in those cases where it is impracticable to carry lifeboats. These amendments to the regulations establish similar requirements regarding lifesaving equipment on inspected motor vessels navigating on various classes of waters. It is hereby found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is not required because these amendments to the regulations relieve restrictions placed on inspected vessels.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed and shall become effective on and after the date of publication of this document in the FEDERAL REGISTER:

1. Section 76.10 is amended to read as follows:

§ 76.10 *Lifeboats and life rafts required on inspected motor vessels.* (a) All vessels propelled by machinery, other than steam, subject to the inspection laws of the United States shall be required to have the same lifeboat and life raft equipment as steam vessels of the same class and the Officer in Charge, Marine Inspection, shall so indicate in the certificate of inspection. This section shall not apply to such vessels under 50 tons, when navigating in daylight only, and when equipped with air tanks under deck of sufficient capacity to sustain afloat the vessel when full of water, with her full complement of passengers and crew on board, or when properly subdivided by iron or steel watertight bulkheads of sufficient strength and so arranged and located that the vessel will remain afloat with her complement of passengers and crew on board with any two compartments open to the sea.

(b) On vessels where it is impracticable to provide a lifeboat, sufficient life rafts or life floats shall be provided to accommodate the percentage of all persons on board required to be accommodated in such lifesaving equipment by the applicable regulations in this chapter.

(R. S. 4405, as amended, 4462, as amended, 4488, as amended, sec. 5, 55 Stat. 245, as amended; 46 U. S. C. 375, 416, 488, 50 U. S. C. App. 1275. Interpret or apply R. S. 4417, as amended, 4426, as amended, 41 Stat. 305; 46 U. S. C. 391, 404, 363)

2. Section 94.10 is amended to read as follows:

§ 94.10 *Lifeboats and life rafts required on inspected motor vessels.* (See § 76.10 of this chapter, as amended, which is identical with this section.)

(R. S. 4405, as amended, 4462, as amended, 4488, as amended, sec. 5, 55 Stat. 245, as amended; 46 U. S. C. 375, 416, 488, 50 U. S. C. App. 1275. Interpret or apply R. S. 4417, as amended, 4426, as amended, 41 Stat. 305; 46 U. S. C. 391, 404, 363)

Dated: April 30, 1952.

[SEAL] MERLIN O'NEILL,
Vice Adm., U. S. Coast Guard, Commandant.

[F. R. Doc. 52-5057; Filed, May 5, 1952; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 942]

[Docket No. AO-103-A-12]

HANDLING OF MILK IN NEW ORLEANS, LOUISIANA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments, hereinafter set forth, to the tentative marketing agreement and to the order, as amended, were formlulated, was conducted at New Orleans, Louisiana on March 11-13, 1952, pursuant to notice thereof which was issued February 21, 1952 (17 F. R. 1625).

The material issues of record are concerned with the following:

1. Revision of the terms "producer," "country plant," "city plant," "handler," "delivery period" and "other source milk" and the addition of definitions for "fluid milk plant" and "producer milk";

2. Incorporation of revised indexes of wholesale prices and New Orleans department store sales in the Class I pricing formula;

3. Revision of the Class I supply-demand arrangement and other Class I pricing provisions;

4. An increase of the Class III price;

5. Revision of the classification and transfer provisions;

6. A change in the method of determining monthly bases for individual producers and a change in the months included in the base forming and base operating periods;

7. Reissuance of Order 42 in accordance with regulations of the Division of Federal Register issued October 12, 1948.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

1. The terms "producer," "country plant," "city plant," "handler," "delivery period," and "other source milk" should be redefined and a definition of "producer milk" should be added.

At present, the designation of a dairy farmer as a producer under the order is dependent upon the receipt of such farmer's milk at a country or city plant. The definition of a country plant likewise is dependent upon receipt of milk from a producer. The difficulty caused by the interdependence of these definitions can be eliminated by redefining several terms. The wording in other order provisions also may be simplified by combining the definitions for country plant and city plant into a new definition "fluid milk plant."

Under the prevailing health ordinances, the New Orleans Health Department issues permits to milk plants located in the city of New Orleans. The approval of farms and the issuance of permits to suppliers of milk for New Orleans are handled by the state health departments of Louisiana and Mississippi. Producers and plants supplying milk for Louisiana areas outside of the city of New Orleans are issued permits by the health departments of the respective parishes in which the plants and farms are located. These health departments are local agencies of the Louisiana State Health Department. It is not possible, therefore, to readily distinguish between New Orleans marketing area milk plants and producers and other plants and dairy farmers on the basis of health department approval.

It is quite possible that under the present definitions of terms, dairy farmers who deliver milk to a milk plant located in either state would come within the scope of the current definition of a producer. If such plant transferred milk of any quantity to a plant distributing milk in the New Orleans marketing area, such plant would now be classified as a country plant and the operator of that plant would be a handler subject to the order. It is intended, however, that the order apply to milk supplied by dairy farmers and to operators of milk plants primarily engaged in serving the New Orleans marketing area. The order should not apply to so-called emergency shipments nor to reserve milk which might be transferred from a nearby market to a regulated handler during the flush production season. In order to preclude such possibilities, a basis is needed to distinguish between plants and producers who are considered as regular sources of supply for the marketing area and those who are not regularly associated with this area. This may be accomplished by defining a fluid milk plant as a milk plant (1) where milk is processed and packaged and from which Class I milk is disposed of on retail or wholesale outlets in the marketing area, or (2) from which milk or cream is transferred to a plant described in (1); unless such transferring plant furnished less than 15 percent of its total receipts of milk from dairy farmers to a plant(s) defined in (1) during each of the immediately preceding months of September, October, and November. The qualifications under (2) of this definition are appropriate for meeting the previously mentioned problem of distinguishing between regular and emergency or nonregular suppliers of milk for the New Orleans marketing area. The intent of the present definition and the status of existing plants will remain unchanged.

A producer may then be defined as a person, other than a producer-handler, who produces milk for consumption as milk in the marketing area and which is received at a fluid milk plant. The testimony showed that milk received by a handler from a producer-handler should not be subject to the pricing and payment provisions of the order. As discussed below, transfers of milk from producer-handlers to handlers under the order will be considered as other-source milk. At the time the current definition of a producer was formulated, producer-handlers supplied a substantial amount of milk to the market but the number has declined from more than 400 to less than 10 at the present time.

The term "handler" should be defined to mean any person operating a fluid milk plant. In case a handler operates other milk plants, this definition is not intended to include such person in his capacity as an operator of such nonfluid milk plants.

The term "delivery period" should be defined as a calendar month, or the portion thereof during which the marketing order is in effect. The term is thus defined for facility in developing the other provisions of the order and in the event the order is suspended, it clarifies the fact that the various order provisions would be applicable only to that portion of the month during which the order was effective.

The term "other source milk" should be defined to include all skim milk and butterfat received in any form from a source other than producers or other handlers, except any non-fluid product received and disposed of in the same form. Milk produced by producer-handlers is not available for regular purchases by handlers, particularly during the short production season. Producer-handlers normally distribute nearly all of their production in the form of Class I products during most of the year. During the flush months, they may dispose of seasonal reserve milk to handlers in the market but such milk is not needed in addition to regular producer receipts at this time of year. This milk should not be pooled and thereby credited with Class I utilization normally supplied by regular producers. The pooling of this reserve milk would result in producer-handlers realizing higher average returns for milk than regular producers. It is concluded, therefore, that such receipts from producer-handlers should be handled as other source milk and thus allocated to the lowest priced available utilization in the receiving handler's plant. Non-fluid milk products received and disposed of in the same form such as butter and other packaged manufactured products should be excluded as other source milk. Reporting by handlers of such products as other source milk is not necessary to carry out the classification, allocation and pricing functions of the order.

The term "producer milk" should be defined to mean any skim milk or butterfat contained in milk received directly from producers by a handler. The use of this term will facilitate the construction of order language in various other provisions.

2. The Class I pricing provisions should be amended to incorporate revised indexes of wholesale prices and New Orleans department store sales.

Under the present order, the Class I price is determined from a base price by applying a composite index (1925–29 = 100) consisting of the index of wholesale prices in the United States, the index of department store sales in New Orleans, and an index of local feed-labor prices. In accordance with a general governmental policy, the indexes of wholesale prices and department store sales recently have been revised and are now published on a post-war base with 1947–49 equaling 100. It is therefore necessary to change the Class I pricing formula to incorporate these revised indexes.

The testimony indicates that the relative influence of the indexes comprising the component index, may be improved and a desired degree of stability may be achieved by applying a more recent base in computing the composite index rather than the 1925–29 base now used. For these reasons and also to permit the direct use of the two revised indexes as published without adjustment, it is concluded that the 1947–49 base period should be adopted for the composite index. The factors used in converting wage rates and feed prices to an index must be changed to reflect their respective 1947–49 averages as follows: Prices paid by Louisiana farmers for mixed feed, $4.34 per hundredweight; daily farm wages without room or board—Louisiana, $3.18 and Mississippi, $3.21. The testimony supports the incorporation of the new indexes so as to provide approximately the same relative level of Class I prices as have resulted from the present formula, during 1951 and the early months of 1952 for which prices were available at the time of the hearing. During this 15-month period, the average price resulting from the present Class I formula was $6.32 per hundredweight. The revised composite index for this same period averaged 110.8. Thus, in order for the revised formula to yield an average price of $6.32 during this period, a base price of $5.70 must be used in place of the present formula base price of $2.59. It is concluded, therefore, that a base price of $5.70 should be incorporated in the revised Class I pricing formula.

3. The supply-demand provisions of the Class I pricing arrangement should be changed.

The supply-demand adjustment is a device which accomplishes adjustments in the Class I price when supplies of milk get out of line with sales. With this type of adjustment prices are automatically raised when the indicated level of supplies are short, relative to sales, and are lowered when supplies are excessive. The Class I price along with other provisions of the order is intended to assure the market of an adequate supply of milk. The economic type formula has been adopted to assist in achieving this goal by keeping milk prices adjusted to general economic conditions. A supply-demand adjustment adds a further self-adjusting element in the pricing formula to reflect local and other influences on production and sales that may not be fully expressed by the economic formula.

At the time this formula was adopted in 1949, a supply-demand provision was incorporated in the order. That provision calls for an increase in the Class I price of 22 cents per hundredweight if the total volume of producer milk received by handlers during the preceding 5-month period of October through February is less than 110 percent of Class I sales conversely, the Class I price is decreased by the same amount if producer receipts exceed 115 percent of total Class I sales. This type of a supply-demand arrangement for adjusting prices during the following 12 months has not been satisfactory for the New Orleans market. Suspension action was necessary, effective March 1, 1951. This experience indicates that there is a need to change the supply-demand arrangement to provide a method for adjustment of prices as soon as possible after an oversupply or shortage of milk is indicated. This may be accomplished, as proposed by producers, by adjustments in the Class I price each month. To apply a monthly adjustment in price, in view of the seasonal variation in receipts of milk from producers and in Class I sales, it is necessary to establish a representative or desired monthly relationship of receipts and sales to which the current relationship may be compared. An analysis of changes in receipts and sales shows that the relationship prevailing during the two most recent months for which data are available to the market administrator preceding the announcement of the Class I price, offers the most reliable basis for predicting conditions and making the necessary adjustment in such price.

A consideration of the market data for the past several years, indicates that the average relationship of receipts to Class I utilization during the two-year period, October 1949 through September 1951, will provide the most reasonable benchmark for developing a seasonal supply-demand index. During this period, producer receipts in relation to Class I utilization were lowest for the two months October and November and averaged 109 percent (Table 1). During the "short" production months of this 1949–1951 period, between one and two percent of the total Class I utilization in the market was derived from other source milk. In order to compensate for this imported milk and allow for some further improvement in the seasonal pattern of production, it is concluded that the supply-demand index derived from data for the months of September, October, and November should be increased 2 points and the index derived from data for the months of March, April, and May should be decreased 2 points. Although the effect of this adjustment is incidental to the principal objective, a minute degree of seasonal variation in the Class I price may result. Substantial changes in the seasonal pattern of production or in Class I sales over a period of time, of course, may necessitate a revision of the representative seasonal index. A change of approximately 2 cents per point deviation between the current index and the representative index offers a reasonable basis for adjusting the Class I price.

TABLE 1—SUPPLY-DEMAND INDEX BASED ON TWO MONTH MOVING AVERAGE RATIOS OF PRODUCER MILK RECEIPTS TO GROSS CLASS I SALES, OCTOBER 1950 THROUGH SEPTEMBER 1951

Period used for determination	Actual average relationship (1950–51)	Adjusted "standard" or representative index	Month applicable
Months	*Percent*	*Percent*	
October–November	109	111	January.
November–December	112	114	February.
December–January	119	119	March.
January–February	126	126	April.
February–March	134	132	May.
March–April	144	142	June.
April–May	149	147	July.
May–June	143	141	August.
June–July	140	140	September.
July–August	132	132	October.
August–September	116	118	November.
September–October	112	114	December.

An adjustment based on the supply-utilization ratio for as short a period as 2 months may reflect minor random changes in this ratio which are not indicative of actual trends. It is necessary, therefore, to provide for some method of stabilizing this adjustment and of limiting it as to total magnitude. This has been accomplished by grouping the percentage deviations and setting limits on the amount of the adjustment (see § 942.50 (e) (1) (iii) of the order set forth below). The percentage groups are in such intervals that no adjustment occurs until the current ratio is 3 or 4 percentage points above or below the representative index. The next percentage group applies to deviations of 6 or 7 percentage points. In case a deviation falls between groups, the adjustment amount is determined by the adjacent group which is the same as or nearest to the percentage group used in the previous month. For example, a deviation of 5 percentage points would require the use of the group which includes 3 or 4 percent if the adjustment during the previous month had been determined by that group or a lower one. On the other hand, a 5 point difference would provide for an adjustment based on the 6 or 7 percent group if the adjustment during the previous month had been determined by the latter or a higher group. In the first month in which the amending order providing this adjustment is effective, if the applicable deviation percentage falls between groups, the adjustment amount shall be determined by the group nearest to a deviation percentage calculated without rounding to the nearest whole number.

The application of 1950 and 1951 date in this proposed supply-demand arrangement and the revised Class I price formula proposed above, results in an average Class I price for 1950 of $5.79 as compared with $5.87 under the present order. In 1951 the Class I price would have been $6.29 as compared with $6.21 actually received by producers. Because receipts of milk from producers decreased relative to Class I sales during the latter part of 1951 and the first few months of 1952, the Class I price for the first 3 months of 1952 would have been increased an average of 17 cents per hundredweight. Handlers paid premiums averaging approximately 6 cents per hundredweight during this period and thus, the actual difference is 11 cents per hundredweight. As long as receipts of producer milk in relation to Class I utilization are less than the corresponding indexes proposed herein, the Class I price differential should be increased in order to assure this market of an adequate supply of milk. A corresponding reduction in the Class I price will result if receipts of milk from producers in relation to Class I utilization exceeds the representative schedule figure. Under such circumstances, this supply-demand adjustment coupled with the formula method of establishing Class I prices will assure Class I prices which will reflect, in a large measure, local supply and demand conditions.

Other provisions of the Class I pricing section discussed at the hearing relate to: the determination of equivalent prices or index numbers, the basis for determining the mileage (zone price adjustments) applicable to Class I milk received at plants located outside the marketing area, and the bracketing of Class I price changes.

In case a price or prices for milk or any milk products specified by the present pricing provisions of the order are not reported or published in the manner described therein, the Secretary is required to determine a price, equivalent or comparable to the price specified. In view of the fact that prices of other commodities and index numbers are now used in the Class I price formula, § 942.5 (e) should be broadened to include such other prices and indexes.

Handlers proposed that the language of the order be modified to specifically state that the market administrator use the "practical" highway mileage in determining the zone location of country plants. This proposal was supported on the basis that one of the leading highways now used is a military highway which might be closed to commercial traffic in case of an emergency. Under the present order, the zone is determined by the market administrator on the basis of rail or "highway mileage distance." The present language would not preclude the application of the distance based on the shortest highway distance available to commercial traffic. There is no need for a revision of the present language.

Handlers operating more than one country plant raised some objection to the application of the Class I location adjustment first to milk received nearest to the marketing area. Handlers argue that this does not always conform to practical operations and that the quantity of milk to which location adjustments are applicable should be prorated among all country plants operated by the handler. The present provision should not be changed because it conforms to good marketing practice and tends to encourage the most economical use of marketing facilities and development of the milkshed in that, it encourages the use of nearby milk for fluid purposes and the milk located at greater distances for manufacture.

It was also requested that the pricing provisions provide Class I price changes in intervals of 20 to 22 cents per hundredweight. Under the proposed formula, the Class I price will change in intervals of 5.7 cents for each point change in the composite index and the supply-demand arrangement provides for adjustments in 6 or 7 cent intervals. Handlers favored a 22 cent bracket system in order to provide Class I price changes equivalent to one-half cent per quart. They argued that this would facilitate retail price changes and conform with the general price ceiling regulations which permit minimum ceiling price changes of one-half cent per quart. The testimony indicates that over a period of time, there will be little, if any, difference in the returns to producers (or handlers' costs of Class I milk) under the present or the bracket system of pricing. Experience has shown a 22 cent supply-demand arrangement to be unsatisfactory in this market because of its application in bracketed amounts of this size and consequence. It is concluded that it would be generally unsatisfactory to refrain from applying appropriate adjustments in the Class I price until the adjustment had reached the 22 cent level.

4. The Class III milk pricing formula should not be changed.

Producers proposed that the Class III price (applicable to milk for manufacturing uses, except cheese other than cheddar and ice cream) be increased approximately 25 cents per hundredweight by changing the formula for determining the butterfat value. The price for skim milk utilized in Class III milk would not be changed. The present method for determining the hundredweight butterfat price for Class III usage is to multiply by 100 the average daily wholesale price per pound of 92-score butter in the Chicago market during the delivery period. Under producers' proposal, 7 cents would be deducted from such butter price and the result multiplied by 120.

In support of their proposal, producers showed that the Class III price for 4 percent milk during the past several years has been less than the average price paid by certain Mississippi milk manufacturing plants. They contended that Class III prices should be increased more, nearly in accordance with the prices paid by these plants.

It is generally recognized that reserve milk from a fluid market used in manufactured products should return to producers at least the competitive price for manufacturing milk in the area. This basis of pricing is difficult to apply in the New Orleans market because of the small amount of milk produced for manufacturing purposes in or near the milkshed. There are exceptionally limited manufacturing facilities located in the marketing area for processing reserve milk. There is but one milk manufacturing plant located in the entire milkshed. This plant, partially owned by a handler, has facilities for the conversion of limited quantities of whole milk to cream chiefly for use in ice cream (Class II milk), and nonfat dry milk solids. Since butterfat used for ice cream is classified and priced in Class II milk, the proposal would not affect the returns to producers for reserve milk utilized at this plant.

The next closest manufacturing outlet for reserve milk is located in Mississippi, approximately 150 miles from New Orleans and 35 miles outside the periphery of the supply area. This plant, a subsidiary of a handler, utilizes transferred producer milk primarily in butter-powder operations. Facilities also are available for the production of condensed milk and ice cream mix.

The two aforementioned plants do not have sufficient facilities to handle all of the seasonal reserve milk from the New Orleans market. Aside from very limited manufacturing facilities at Baton Rouge, the only other outlet for reserve milk is 180 miles beyond the northern limit of the milkshed and 300 miles from New Orleans. This plant engages in the production of evaporated milk. A substantial portion of the seasonal reserve

from the New Orleans market has been transferred to this outlet. Because of the distance involved, reserve milk cannot be diverted directly from the farm to this manufacturing outlet. Such milk must be received at handlers' plants, refrigerated and accumulated in sufficient quantities to warrant tank truck deliveries.

It is generally accepted that competition in the open market has established lower paying prices for milk used in butter-powder operations than for milk used in the production of evaporated milk. Inasmuch as the former type operation is the only nearby manufacturing outlet available, and because of the long distance involved in transferring milk to Mississippi evaporating plants, it appears that a Class III price of somewhat less than prices paid by these plants is appropriate for this market. The prices resulting from the present Class III formula in conjunction with the individual-handler pooling arrangement have not encouraged handlers to expand Class III manufacturing operations.

For these reasons, it is concluded that no change should be made in the Class III pricing formula at this time.

5. The classification provisions of the order should be revised.

Producers proposed that the definition of Class I milk be revised to include concentrated milk and yogurt. Concentrated milk is fluid milk from which a portion of the water is removed by the means of heat in the presence of a vacuum. It may be distributed in either liquid or frozen form. To date, concentrated milk has not been sold in the New Orleans market; however, it is now being distributed in a number of fluid milk markets throughout the country. Yogurt and concentrated milk for disposition in the marketing area are required by the applicable health ordinances to be made from Grade A milk. They are disposed of in fluid form to the same retail and wholesale outlets as bottled fluid milk and other products now classified as Class I milk. Although the present class definitions have been construed to include these products as Class I milk, it appears desirable to clarify these definitions. The order language would be improved by specifically listing these products along with fluid milk and other fluid milk products in the Class I definition. Under the present classification scheme, Class I milk is defined as all skim milk and butterfat, the utilization of which is not established as Class II milk and Class III milk. Class II milk includes skim milk and butterfat used in ice cream and cheese, other than cheddar. Class III milk is defined as all skim milk and butterfat disposed of other than in certain specific products including those listed in Class II milk. These definitions would be clarified by direct and more specific definitions for each class. Class I milk should be defined, therefore, to include all skim milk and butterfat (a) disposed of as milk, skim milk, cream, or any mixture (except ice cream and frozen mixes) of milk or skim milk and cream, buttermilk, yogurt, flavored milk drinks (including eggnog), concentrated milk, and sterilized milk, and (b) not specifically accounted for as Class II and Class III milk. Conforming changes should be made in the Class III definition.

A handler proposed that skim milk and butterfat disposed of as sterilized milk for export be classified as Class II milk. Sterilized milk is fluid milk that is hermetically sealed in cans and sterilized. It differs from evaporated, condensed, and other canned milk products in that it is not concentrated. This product is relatively stable and may be stored for a considerable period of time without refrigeration. It may be manufactured, therefore, during the flush production season from market reserves and stored for delivery during the short production season. At the present time, this product is being produced on an experimental basis in conjunction with a handler's regular fluid milk operations. In the immediate future, this handler expects to dispose of sterilized milk solely in export channels for military and foreign consumption. The testimony indicates that he desires to use local producer milk at times when reserve milk is available in the market. At the present time, ungraded milk may be used to produce sterilized milk for military and other export outlets.

Under the present order, skim milk and butterfat used for sterilized milk is classified and priced as Class I milk. The proponent testified that, in order to use producer milk for this product and be able to compete in the export market, such milk must be priced lower than the Class I price. No specific pricing plan was proposed at the hearing but the handler testified that milk used in this product should return to local producers something more than the Class II price. The testimony indicated that the price should bear an appropriate relationship to the competitive price for good quality manufacturing milk. According to the record, this would be the manufacturing price in the more dense midwestern manufacturing milk production area plus transportation to New Orleans.

In view of the fact that sterilized milk may be made from ungraded milk and it may offer an outlet for some seasonal reserve milk from the New Orleans market, it appears appropriate to price milk used for this purpose, during the months when seasonal reserves are available, below the Class I price but somewhat higher than the Class II price. The utilization of such reserve milk at prices slightly higher than the Class II price would increase the return to local producers for milk.

The so-called 18 condensery price is considered as representative of the previously mentioned midwestern manufacturing prices for 3.5 percent butterfat content milk. Proponents indicated that a 3.5 percent sterilized milk would be produced. Using the prices prevailing during the months of March through August 1950 and 1951, and adding a transportation allowance from midwestern areas to New Orleans of $1.25 per hundredweight, the resulting average price was approximately 80 percent of the Class I price under Order 42 for 3.5 percent milk.

It is concluded, therefore, that the present method of classifying sterilized milk as Class I milk should be continued and milk so utilized during the months of March through August and which is disposed of in export channels (exclusive of sales for consumption aboard ship), should be priced at 80 percent of the Class I price. These are the months when reserves of milk in the market are more than adequate to meet variations in Class I milk requirements. Producer milk utilized in sterilized milk in other months of the year or disposed of for domestic consumption at any time should be priced at the regular Class I price. The record shows no reason why local Grade A producer milk should be utilized for export business during the same period of the year that the market is relatively short of milk in relation to its fluid requirements and particularly at prices lower than are now needed to attract a sufficient supply to meet these requirements.

A proposal was made to amend the transfer provisions of the order to provide for the classification of fluid cream transferred during September through February to a person, other than a handler who distributes fluid milk or cream, in the same manner that transfers of both fluid milk and cream are now classified during March through August. Under this proposal, any skim milk or butterfat in cream transferred to a nonhandler at any time would be allocated to the highest price classification remaining in such non-handler's plant after first subtracting receipts of milk directly from dairy farmers at such plant from the highest price classification available. Under the present order, such transfers of milk or cream during October through February are classified as Class I milk. The order also provides for the classification of milk transferred to unregulated plants, not engaged in fluid distribution, according to the class in which the market administrator determines it was used. Obviously, the market administrator must apply some method of allocation to carry out this provision. The order should specifically set forth the method to be followed. The entire transfer section of the order should be redrafted to provide a uniform method of classifying all milk transferred to nonfluid milk plants and to simplify and eliminate obsolete order language.

Under the classification provisions, if a handler receives milk from outside sources, local producer milk is allocated to the highest price class available in such handler's plants. In case New Orleans producer milk is transferred to a nonregulated plant, it is reasonable that credit for Class I and Class II utilization in such plant likewise should be allocated first to local dairy farmers customarily supplying such plant. Milk transferred from the New Orleans market would then take any remaining Class I and Class II utilization. This method of classification is appropriate for both transfers of milk to non-regulated plants engaged in fluid disposition and to those not so engaged. If the transferee plant has no Class I or Class II utilization and the requirements for reports, records and verification are complied with, such transfers would then be classified as Class

III milk. The recommended change not only eliminates the necessity for different methods of classification during certain months or a separate provision, as proposed, applicable to cream only, but it also greatly simplifies the transfer provisions. The provisions of the current order should be retained which provide that such transfers of milk shall be Class I milk unless the transferee plant maintains and makes available for verification, if requested, books and records showing the utilization of receipts at such plant.

Handlers also suggested that the allocation provisions be modified to provide for the proration of other source milk during specified "short-season" periods instead of allocating such milk first to the lowest priced available utilization. The testimony fails to show that the present method of allocation is unreasonable in providing a necessary safeguard to the classification plan. The proration of other source milk would tend to reduce returns to producers under supply conditions that would indicate a need for increased rather than decreased returns. No change should be made in the allocation provisions. Other provisions of the classification section have been rewritten to incorporate revised terms and eliminate unnecessary and obsolete language. No change is intended in the context of those provisions not otherwise discussed herein.

6. The base and excess plan should be changed by substituting March for September in the base operating period.

Producers proposed that the present base plan be amended to provide for the adjustment of all bases to equal Class I sales during the period producers are paid base and excess prices. Another proposal by handlers would substitute September for March in the period for establishing bases and March for September in the period the base and excess method of producer payments is applied.

Under the present plan (and under producers' proposal), the base for each producer is equal to his average daily deliveries of milk during the base forming period (October through March). The monthly base applied for each producer during the base operating period (April through September) is equal to his average daily base multiplied by the number of days he delivers milk in each month. For deliveries of milk up to his monthly base quantity, the producer receives a base blend price and for deliveries over base, the excess price. When Class I sales are less than base milk deliveries, the excess price is the Class III price. The base blend price for each handler is his total obligations to producers less the total value of excess milk divided by his total receipts of base milk. Because base milk delivered monthly by all producers usually exceeds total Class I utilization, the total value of base milk includes the value derived from some milk utilized and priced in a lower classification. Handlers' base blend prices, therefore, are less than the Class I price.

Under producers' proposal, the base established by each producer would be adjusted (reduced) in each month of the base operating period by applying the percentage that the Class I utilization of the handler, receiving the producers' milk, is of his total receipts of base milk. In case Class I utilization were equal to or greater than receipts of base milk, no adjustment would be made. The proposed plan would result in a base price equal to the Class I price (paid by handlers for Class I utilization) and an excess price equal to the Class III price. The application of adjusted bases would not change the total value of milk delivered to a particular handler or the amount due all producers; however, it would change the total amount of money paid out by a handler to individual producers in any given month as well as the relative returns received by different producers.

It would not be administratively feasible to determine adjusted bases and announce base and excess prices which will provide an exact balance between each handler's obligations and the total of payments due individual producers in the current month. This is because some producers may deliver less than their adjusted base quantity and because a quantity of milk in excess of total adjusted bases is utilized and priced to handlers in Class II milk, while the Class III price would be used for determining the amount paid producers for such excess for the current delivery period. Producers proposed that this problem be met by carrying over such difference to the next month and including such sum in the handlers' obligation on a "base-equivalent" basis.

Those producers delivering no more than their adjusted base quantity would receive a higher average price for milk than under the present plan. Under 1951 conditions, approximately one-fourth of the producers would have realized increased gross money returns and three-fourths of the producers lower returns. During April through September 1951, the base blend price averaged 28 cents per hundredweight less than the Class I price.

Although proponents claimed that producers prefer to know the base price in advance of delivery, their proposal appears to give producers in general no greater certainty of a given income in advance of delivery than the present plan. The plan would provide a known base price in advance of each delivery period but the producers' base quantity would not be known until after the end of the delivery period. Adjusted bases would vary in accordance with changes in the handler's Class I utilization and the amount of the "carry-over." Some producers may object to handlers holding over money due them from one month to the next. The proposed change also would complicate the base plan. In addition to the monthly "carry-over" for each handler and the necessity of computing its "base-equivalent," individual producer adjusted bases would have to be calculated each month. These difficulties argue against the plan from the standpoint of administrative feasibility.

One objection to the present plan was made on the grounds that a base blend price is confusing to producers, particularly in view of the fact that in several other Louisiana markets, the base price is equal to the Class I price. A base blend price is no different in principle than the blend price applied in paying producers during other months of the year. Furthermore, the class prices are provided in the order primarily to determine the amount of each handler's obligation to his producers on the basis of the class utilization of his milk. The base plan, on the other hand, is a method of distributing among individual producers the total obligations of the handler. Under the proposed plan and under the present plan, the excess price as well as the base price, enters into the determination of the amount of money payable to most producers during the base operating period.

The principal argument against the present plan was that producers who deliver less or no more than their "adjusted" bases (considered by proponents as the individual producers' share of the Class I sales) receive a blend base price which is lower than the Class I price. The base blend price reflects the lower utilization value of an amount of reserve milk equal to the difference between total delivered base milk and total Class I utilization of the handler. The testimony indicates that a monthly operating reserve of 10 to 15 percent of Class I sales is necessary to compensate for daily and weekly fluctuations in receipts and sales. The maintenance of this reserve is a desirable phenomenon and, in fact, its maintenance is one of the chief reasons for instituting a Federal order to stabilize marketing and price conditions. All producers should contribute to the maintenance of this reserve. The proposed plan, however, would tend to work against the maintenance of a necessary reserve. Under the proposed plan those producers who deliver only enough milk to cover Class I requirements during the period when bases apply (and who therefore do not contribute to the necessary reserve) would receive the highest prices. Those producers who produce enough milk for Class I use plus an amount for the necessary reserve would be penalized under the plan. At the present time, during the period of flush production, there appears to be no immediate danger that the necessary reserve would be eliminated by the application of the plan. The tendency, however, would be in that direction because those producers who produce during the period when bases apply in a manner consistent with the needs of the market would be penalized while those producers who are not so producing would be placed at an advantage. Actually the plan appears to be based on a misunderstanding of the ends to be gained by the base plan. The purpose of the base plan is not primarily one of allocating Class I sales among producers; rather, the purpose is to allocate the proceeds from the sale of milk among all producers in such a way as to obtain a reasonably even production of milk throughout the year.

The proposed change, as contended by producers, undoubtedly would offer greater incentive for lower receipts of milk during the summer months. In fact, the plan offers the greatest possible

gross returns to those producers who establish a production pattern inverse to the present seasonal pattern of the market. It is quite possible, however, that many producers, who produce relatively more milk in the summer months but who contribute to the market supply during the fall months when additional milk is needed, may be forced to discontinue production as a result of decreased returns or of increased costs involved in achieving a more uniform or even an inverse pattern of production. Thus, a more stringent application of the base plan as proposed could very well result in a loss of producers and a serious shortage of milk under the same relative Class I price level as now prevails or the consequent necessity for a higher Class I price level than under the present plan. Even though all of these basic considerations cannot be fully appraised by the record evidence, they nevertheless raise further doubts as to justification of the proposed plan.

The testimony indicates that the chief difficulty with the present plan, as far as proponent producers are concerned, results from the fact that the total base quantity established by producers is higher in relation to Class I sales than they believe it should be. This may result in part from a high general level of production in relation to Class I sales during the base forming period (an indication that Class I prices may be higher than necessary) or the failure to apply the most appropriate base forming period. For the period of October 1951 through February 1952, receipts of milk from producers were 103 percent of Class I utilization and in November only 99 percent. These relationships indicate that the market has not been over supplied with producer milk. The corresponding relationship during this five month period of 1950–51 was 115 percent. This indicates that producers may find the present plan more satisfactory during the present base operating season than a year ago. March data are not included in these comparisons (March 1952 data were not available at the time of the hearing). In March 1951, producer receipts were 139 percent of the Class I utilization, an increase of 16 percentage points over the February relationship and 24 points greater than the average for the previous five months (October through February). In view of this substantial increase in this relationship from February to March, a closer relationship of Class I utilization and established bases would obtain by omitting March as a base forming month.

A handler proposed that March be excluded from the base forming period and included in the base operating period and September be excluded as a base operating month and included as a base forming month. Producers objected to the inclusion of September as a base forming month because of the difficulty of bringing cows into production during the usually hot weather preceding September and for the 1952–1953 season, particularly, because producers should have more advance notice of such a change. Market-wide data indicate that since the adoption of the base plan, production in March has increased substantially and September production has decreased in relation to other months. It is concluded, therefore, that the present plan could be improved and the objectives of all parties concerned could be attained in part by substituting March for September in the base operating period. The present plan may be improved also by omitting September from both the base operating and base forming periods. September, therefore, will be neither a base forming nor a base operating month. Producers will receive the blend price in September determined in the same manner as at present for October through February.

The exclusion of September from the base operating period will provide a transitional period for producers to make adjustments in production immediately prior to establishing bases. This will remove the conflicting tendencies of the present plan to encourage a producer to curtail production through September to no higher than his previously established base and on October 1 to increase production in order to establish a desirable new base. New producers will be able to enter the market prior to the base forming period, the season more milk is needed, without being required to receive the excess price during the first month. The testimony does not show a need for further changes in the plan at this time. The recommended change will achieve in part the objectives sought by producers' and handlers' proposals and will provide a method for equitably apportioning the total value of milk purchased by handlers among individual producers.

In view of the fact that producers established present bases on the expectation that September 1952 would be included as a base operating month, it is concluded that the present plan should continue through September 1952 and the recommended changes be made effective thereafter.

7. The entire order should be recodified in accordance with Revised Regulations of the Division of the Federal Register issued October 12, 1948. In so doing, several changes should be made in the organization of the order provisions. In accordance with the testimoney presented at the hearing and as discussed above, several of the definitions have been revised. The sections setting forth the powers and duties of the market administrator and those relating to reports and their verification have been rewritten and reorganized to conform more closely with the language and organization in other orders. The provisions relating to pricing, classification, allocation, and transfers of milk have been rewritten to incorporate changes recommended above. Other sections of the order have been rewritten to incorporate revised terms and made necessary conforming changes.

8. General: (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, regulates the handling of milk in the same manner and is applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreement upon which a hearing has been held; and

(c) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and certain handlers in the New Orleans market. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals considered at the hearing. Every point covered in the briefs was carefully examined along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this recommended decision.

Recommended marketing agreement and order, as amended. The following order, as amended and reissued, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. A proposed marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the recommended order.

DEFINITIONS

§ 942.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended, by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 942.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 942.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by act of Congress or by Executive order to perform the price reporting functions of the United States Department of Agriculture.

§ 942.4 *New Orleans, Louisiana, marketing area.* "New Orleans, Louisiana, marketing area," hereinafter called the "marketing area" means the cities, towns, and villages of New Orleans in Orleans Parish: Gretna, Westwego, Mar-

rero, Harvey, Metairie, and Belle Chasse in Jefferson Parish; Poydras, St. Bernard, Violet, Meraux, Chalmette, and Arabi in St. Bernard Parish; all in the State of Louisiana.

§ 942.5 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 942.6 *Producer.* "Producer" means a person other than a producer-handler, who produces milk for consumption as milk in the marketing area and which is received at a fluid milk plant.

§ 942.7 *Handler.* "Handler" means a person who operates a fluid milk plant.

§ 942.8 *Producer handler.* "Producer handler" means a person who produces milk and who processes milk from his own production and distributes all or a portion of such milk in the marketing area as Class I milk but who receives no milk from dairy farmers or other producer handlers in bulk.

§ 942.9 *Fluid milk plant.* "Fluid milk plant" means a milk plant (a) where milk is processed and packaged and from which Class I milk is disposed of to retail or wholesale outlets (including plant stores) in the marketing area, or (b) from which milk or cream is transferred to a plant described in paragraph (a) of this section; unless such transferring plant furnished less than 15 percent of its total receipts of milk from dairy farmers to a plant(s) defined in paragraph (a) of this section during each of the immediately preceding months of September, October, and November.

§ 942.10 *Producer milk.* "Producer milk" means any skim milk or butterfat contained in milk received by a handler either directly from producers or from other handlers.

§ 942.11 *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form from a source other than producers or other handlers, except any non-fluid product received and disposed of in the same form.

§ 942.12 *Delivery period.* "Delivery period" means a calendar month, or the portion thereof during which this order is in effect.

§ 942.13 *Market administrator.* "Market administrator" means the agency which is described in § 942.20 for the administration of this part.

§ 942.14 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines (a) to have its entire activities under the control of its members, and (b) to have and to be exercising full authority in sale of milk of its members.

MARKET ADMINISTRATOR

§ 942.20 *Designation.* The agency for the administration of this part shall be a market administrator selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 942.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 942.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 942.84, (1) the cost of his bond and of the bonds of his employees; (2) his own compensation; and (3) all other expenses, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 5 days after the day upon which he is required to perform such acts has not made (1) reports pursuant to § 942.30 or (2) payments pursuant to §§ 942.80 and 942.84.

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and information concerning the operation hereof as are necessary and essential to the proper functioning of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) Weigh, sample and test for butterfat content milk and milk products;

(k) From time to time, as conditions in the market warrant, publicly announce the name of each handler whose receipts of skim milk and/or butterfat in milk received from producers are more than 105 percent and less than 95 percent, respectively, of his total utilization of skim milk and butterfat, respectively, in Class I milk.

(l) Publicly announce and notify each handler in writing the prices and butterfat differentials for each delivery period as follows:

(1) On or before the 6th day after the end of each delivery period, the Class II and Class III prices of skim milk and butterfat for such delivery period;

(2) On or before the 1st day of each delivery period the Class I price of skim milk and butterfat for such delivery period.

(3) On or before the 10th day after the end of each of the delivery periods of September through February such handler's uniform price per hundredweight of skim milk, butterfat, and milk containing 4.0 percent butterfat for such delivery period, and the butterfat differential applicable to such milk; and

(4) On or before the 10th day after the end of each of the delivery periods of March through August and September, such handler's uniform price per hundredweight for base milk and excess milk for such delivery period, and the butterfat differentials applicable to such base and excess milk.

REPORTS, RECORDS, AND FACILITIES

§ 942.30 *Reports of receipts and utilization.* On or before the 5th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in all receipts at his fluid milk plant(s) within such delivery period of (1) producer milk and for the months of March through August and September, 1952, the aggregate quantities of base and excess milk, (2) skim milk and butterfat in any form from other handlers, and (3) other source milk; and

(b) The utilization of all skim milk and butterfat required to be reported under paragraph (a) of this section.

§ 942.31 *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator as follows, except that each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request:

(a) On or before the 20th day after the end of the delivery period, his producer payroll for such delivery period which shall show: (1) The total pounds of milk received from each producer or cooperative association, including for the delivery periods of March through August and September 1952, the total deliveries of base milk and excess milk by each producer, (2) the number of days deliveries are made and if less than a full calendar month, the date of first and last delivery, (3) the average butterfat content of such milk, and (4) the net amount of such handler's payment to each producer or a cooperative association together with the prices paid, deductions and charges involved.

§ 942.32 *Records and facilities.* Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to (a) verify the receipts and utilization of all skim milk and butterfat and, in case of errors or omissions, ascertain the correct figures; (b) weigh, sample, and test for butterfat content all milk and milk products handled; (c) verify payments to producers; and (d) make such examinations of operations, equipment, and facilities, as are necessary and essential to the proper administration of this part or any amendments thereto.

§ 942.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 942.40 *Basis of classification.* All skim milk and butterfat contained in receipts at a fluid milk plant(s), within the delivery period, of (a) producer milk, (b) skim milk and butterfat in any form from other handlers, and (c) other source milk, shall be classified by the market administrator in the classes set forth in § 942.41.

§ 942.41 *Classes of utilization.* Subject to the conditions set forth in § 942.42 through § 942.45, the classes of utilization shall be as set forth in this section: *Provided,* That no skim milk or butterfat, as the case may be, contained in producer milk shall be classified as Class II milk or Class III milk, during any of the delivery periods of October through February if the total receipts of skim milk and butterfat in milk received from producers during the preceding delivery period is less than 90 percent of the utilization of skim milk or butterfat, respectively, by all handlers, in Class I milk.

(a) Class I milk shall be all skim milk and butterfat (1) disposed of in fluid form (except for livestock feed) as milk, skim milk, buttermilk, flavored milk, flavored milk drinks (including eggnog), yogurt, sterilized milk, concentrated (including frozen) milk, cream (for consumption as cream including any mixture of cream and milk or skim milk other than ice cream and ice cream mix), and (2) not specifically accounted for as Class II milk or Class III milk.

(b) Class II milk shall be all skim milk and butterfat used to produce cheese other than cheddar, ice cream and ice cream mix; and

(c) Class III milk shall be (1) all skim milk and butterfat disposed of as any item other than those classified in paragraphs (a) and (b) of this section; (2) skim milk and butterfat disposed of for livestock feed; (3) skim milk dumped; and (4) skim milk and butterfat accounted for as actual plant shrinkage but not in excess of 2 percent of receipts of skim milk and butterfat, respectively, from producers.

§ 942.42 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified as Class II or Class III milk.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 942.43 *Transfers.* Skim milk or butterfat disposed of by a handler during any delivery period in fluid form as milk, skim milk, or cream, either by transfer or diversion shall be classified:

(a) As Class I milk if moved to a fluid milk plant of another handler (except a producer-handler), unless (1) utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period, in which such transaction occurred, but in no event shall the amount classified in any class exceed the total use in such class by the transferee-handler: *Provided,* That if either or both handlers have received other source milk, such milk so disposed of shall be classified at both plants so as to return the highest available class utilization to producer milk.

(b) As Class I milk if moved in the form of any items specified in § 942.41 (a) to a producer-handler.

(c) As Class I milk if moved to any plant other than a fluid milk plant, unless:

(1) The handler claims utilization in another class;

(2) The operator of such non-fluid milk plant maintains books and records, showing the receipts and utilization of all skim milk and butterfat at such plant, which are made available if requested by the market administrator for the purpose of verification; and

(3) The utilization of skim milk and butterfat, at such plant, in Class I milk, as defined in § 942.41 is less than the total pounds of skim milk and butterfat, respectively, received from the transferor handler(s) and from dairy farmers whom the market administrator determines constitute the regular source of supply for fluid usage in such plant, in which case the skim milk and butterfat transferred shall be assigned to the remaining uses of skim milk and butterfat, respectively, during such delivery period in series starting with Class I milk after the similar assignment of the receipts of skim milk and butterfat from such dairy farmers.

§ 942.44 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

§ 942.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations for each handler for each delivery period shall be the pounds in such class allocated to producer milk:

(1) Subtract the shrinkage of skim milk, computed pursuant to § 942.41 (c) (4) from the total pounds of skim milk in Class III milk;

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with the lowest available price class, the pounds of skim milk in other source milk;

(3) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received from other handlers and assigned to such class pursuant to § 942.43 (a);

(4) Add to the pounds of skim milk remaining in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; or if the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class, in series beginning with Class III.

(b) Allocate the pounds of butterfat in each class to producer milk in the same manner prescribed for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 942.50 *Class I prices.* Each handler shall pay producers, in the manner set forth in § 942.80, for skim milk and butterfat in milk received at his fluid milk plant from such producers during each delivery period and classified as Class I skim milk and Class I butterfat, not less than the prices per hundredweight computed pursuant to this section: *Provided,* That the price for skim milk and butterfat used to produce sterilized milk during the months of March through August and disposed of only in export channels shall be 80 percent of such Class I prices for skim milk and butterfat respectively, if the handler furnishes evidence satisfactory to the market administrator to prove such exportation. In determining the Class I price for skim milk and butterfat for each delivery period the latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used:

(a) The monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(b) Divide by 3 the sum of the 3 latest monthly indexes of department store sales in New Orleans adjusted for seasonal variations, as reported by the Federal Reserve Bank of Atlanta, with the years 1947–49 as the base period.

(c) Compute an index of grain-labor prices in the New Orleans milkshed in the following manner:

(1) Divide by 0.0434 the average price paid per hundredweight by Louisiana farmers for all mixed dairy feed, as reported by the United States Department of Agriculture, and multiply by 0.6;

(2) Divide by 0.0321 and 0.0318, respectively, the daily farm wage rates without board or room for the latest available month for Mississippi and Louisiana, as reported by the United States Department of Agriculture. Multiply by 0.4 the weighted average of the resulting totals. In computing the weighted average, weight Mississippi 0.25 and Louisiana 0.75;

(3) Add the results determined pursuant to subparagraphs (1) and (2) of this paragraph.

(d) Divide by 3 the sum of the final results computed pursuant to the preceding paragraphs of this section. The result rounded to the nearest whole number shall be known as the formula index.

(e) Subject to the conditions set forth in paragraphs (f) and (i) of this section, the minimum price for skim milk and butterfat received at a handler's plant located in the 61–70 mile zone shall be as follows:

(1) Multiply $5.70 by the formula index computed pursuant to paragraph (d) of this section and add to or subtract from such result a supply-demand adjustment computed as follows:

(i) Divide the total receipts of producer milk in the two immediately preceding delivery periods by the total gross volume of Class I milk (less interhandler transfers) for such period, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current supply-demand relationship."

(ii) Compute a net deviation percentage by subtracting from the "current supply-demand relationship" computed pursuant to subdivision (i) of this subparagraph, the "representative supply-demand index" shown below:

Delivery period for which the Class I price is computed	Delivery periods used to compute relationship	Representative supply-demand index
		Percent
January	October-November	111
February	November-December	114
March	December-January	119
April	January-February	126
May	February-March	132
June	March-April	142
July	April-May	147
August	May-June	141
September	June-July	140
October	July-August	132
November	August-September	118
December	September-October	114

(iii) Determine the amount of the supply-demand adjustment from the following schedule:

Net deviation (percentage points):	*Adjustment amount (cents)*
−24 or more	+49
−21 or −22	+43
−18 or −19	+37
−15 or −16	+31
−12 or −13	+25
−9 or −10	+19
−6 or −7	+13
−3 or −4	+7
−1, 0, or +1	0
+3 or +4	−7
+6 or +7	−13
+9 or +10	−19
+12 or +13	−25
+15 or +16	−31
+18 or +19	−37
+21 or +22	−43
+24 or more	−49

In case the net deviation percentage does not fall within the tabulated brackets, the adjustment amount shall be determined by the adjacent net deviation bracket which is the same as or nearest to the bracket used in the previous month.

(2) The price of butterfat shall be the sum obtained in subparagraph (1) of this paragraph multiplied by 17.5.

(3) The price of skim milk shall be computed by (i) multiplying the price of butterfat pursuant to subparagraph (2) of this paragraph by 0.04; (ii) subtracting such amount from the sum obtained in subparagraph (1) of this paragraph; (iii) dividing such net amount by 0.96; and (iv) rounding off to the nearest full cent.

(f) For skim milk and butterfat received at such handler's plant located in a freight zone other than the 61–70 mile zone, the prices shall be those effective pursuant to paragraph (e) of this section adjusted by the respective amount indicated in the following schedule for the freight zone in which such plant is located:

Freight zone (miles):	*Cents per hundredweight*
Not more than 20	+28.0
More than 20 but not more than 30	+8.0
More than 30 but not more than 40	+6.0
More than 40 but not more than 50	+4.0
More than 50 but not more than 60	+2.0
More than 60 but not more than 70	0.0
More than 70 but not more than 80	−2.0
More than 80 but not more than 90	−4.0
More than 90 but not more than 100	−6.0
More than 100 but not more than 110	−7.0
More than 110	−8.0

(g) The market administrator shall from time to time determine and publicly announce the freight zone location of each plant of each handler, according to the railroad mileage distance between such country plant and the railroad terminal in New Orleans, or according to the highway mileage distance between such plant and the City Hall in New Orleans, whichever is shorter.

(h) For the purpose of this section, the skim milk and butterfat which was classified as Class I skim milk and Class I butterfat during each delivery period shall be considered to have been first that skim milk and butterfat which was received from producers at such handler's plant located in the 0–20 mile zone, then that skim milk and butterfat which was received from producers at such handler's plant in series beginning with plants located in the freight zone nearest to New Orleans.

(i) Notwithstanding the provisions of the preceding paragraphs of this section, the Class I prices for any of the delivery periods of April through June shall not be higher than the Class I prices for the immediately preceding delivery period, and the Class I prices for any of the delivery periods of October through December shall not be lower than the Class I prices for the immediately preceding delivery period.

§ 942.51 *Class II prices.* Each handler shall pay producers, in the manner set forth in § 942.80, for skim milk and butterfat in milk received from them during each delivery period and classified as Class II skim milk and Class II butterfat, not less than the following prices per hundredweight:

(a) The prices per hundredweight of skim milk shall be computed as follows: Deduct 4 cents from the average of the carlot prices per pound of nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. manufacturing plants in the Chicago area, as reported by the United States Department of Agriculture during the delivery period, and multiply the result by 8.5.

(b) The price per hundredweight of butterfat shall be computed as follows: From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture during the delivery period, subtract 3 cents, and 20 percent thereof and multiply by 100.

§ 942.52 *Class III prices.* Each handler shall pay producers, in the manner set forth in § 942.80, for skim milk and butterfat in milk received from them during each delivery period and classified as Class III skim milk and Class III butterfat, not less than the following prices per hundredweight:

(a) The price per hundredweight of skim milk shall be any plus amount resulting from the following computation: From the average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed), roller process, delivered at Chicago, as reported by the United States Department of Agriculture during the delivery period, deduct 7 cents, and then multiply by 7.5.

(b) The price per hundredweight of butterfat shall be computed as follows: Multiply by 100 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture during the delivery period.

§ 942.53 *Use of equivalent factors in formulas.* If for any reason a price, index, or wage rate specified by this order, for use in computing class prices and for other purposes is not reported or published in the manner described in this part, the market administrator shall use a price, index, or wage rate deter-

mined by the Secretary to be equivalent to or comparable with the factor which is specified.

BASE RATING

§ 942.60 *Base operating period.* The base operating period shall be the months of March through August; except for the year 1952, September shall be included.

§ 942.61 *Base forming period.* The base forming period for each year shall be the months of October through February, immediately preceding the base operating period; except for the year 1952, March shall be included in the base forming period.

§ 942.62 *Determination of daily base.* The daily base of each producer shall be an amount calculated by the handler(s) to whom such producer delivered milk during the base forming period, subject to verification by the market administrator, as follows: Divide the total pounds of milk received from such producer during the base forming period by the number of days in such period.

§ 942.63 *Computation of base.* The base of each producer to be applied during the base operating period shall be a quantity of milk calculated, by the handler who receives milk from such producer, in the following manner, subject to verification by the market administrator: Multiply the daily base of such producer with such handler by the number of days for which such producer's milk was delivered to such handler during the delivery period.

§ 942.64 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle when such share basis is terminated.

(b) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided,* That at the beginning of a tenant and landlord relationship the base of each landlord and tenant may be combined and may be divided when such relationship is terminated.

(c) Base may be transferred only under the following conditions:

(1) In case of the death of a producer, his base may be transferred to a surviving member or members of his immediate family who carry on the dairy operations; and

(2) In the case of retirement of a producer, his base may be transferred to a member or members of his immediate family who carry on the dairy operation.

(d) The entire daily base of a producer with a handler may be moved from such handler to another handler.

§ 942.65 *Announcement of established bases.* On or before the 25th day after the end of the base forming period, each handler shall notify each producer from whom he received milk during the base forming period of his established base and post publicly the base of such producers.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 942.70 *Computation of the value of skim milk and butterfat for each handler.* (a) For each delivery period the market administrator shall compute for each handler the value of skim milk received by such handler from producers during such delivery period as follows:

(1) Multiply the pounds of skim milk in each class by the price of skim milk for such class and combine the resulting sums into one total;

(2) Add to the value obtained in subparagraph (1) of this paragraph an amount determined by multiplying the pounds of skim milk subtracted pursuant to § 942.45 (a) (4) by the appropriate class price; and

(3) Add to or subtract from, as the case may be, the value obtained in subparagraph (2) of this paragraph an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk for previous delivery periods, including in such amount the value of any skim milk reclassified pursuant to § 942.42 (b).

(b) For each delivery period the market administrator shall compute for each handler the value of butterfat received by such handler from producers during such delivery period by making the same computations for butterfat as prescribed for skim milk in paragraph (a) of this section.

§ 942.71 *Computation of uniform price for each handler.* (a) For each of the delivery periods of September (except September 1952) through February the market administrator shall compute, to the nearest one-tenth cent, for each handler the uniform price per hundredweight of skim milk received by such handler from producers as follows:

(1) Add to the value of skim milk computed pursuant to § 942.70 (a) an amount computed by multiplying the total hundredweight of skim milk received by such handler from producers at plants located in each freight zone farther from New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.50 (f).

(2) Subtract from the value of skim milk computed pursuant to subparagraph (1) of this paragraph an amount computed by multiplying the total hundredweight of skim milk received by such handler from producers at plants located in each freight zone nearer New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.50 (f); and

(3) Divide the value obtained pursuant to subparagraph (2) of this paragraph by the hundredweight of skim milk. This result shall be known as the uniform price per hundredweight for such handler of skim milk received from producers at plants located in the 61–70 mile zone.

(b) For each of the delivery periods of September (except September 1952) through February the market administrator shall compute, to the nearest one-tenth cent, for each handler the uniform price per hundredweight of butterfat received by such handler from producers at plants located in the 61–70 mile zone by making the same computations for butterfat as prescribed for skim milk in paragraph (a) of this section.

(c) For each of the delivery periods of September (except September 1952) through February the market administrator shall compute, to the nearest one-tenth cent, for each handler the uniform price per hundredweight of milk containing 4.0 percent butterfat received from producers at plants located in the 61–70 mile zone by combining the values of 96 pounds of skim milk and 4 pounds of butterfat at the respective uniform prices.

§ 942.72 *Computation of the uniform price for base milk and excess milk for each handler.* For each of the delivery periods of March through August and September 1952, the market administrator shall compute, to the nearest one-tenth cent, for each handler the uniform price per hundredweight of "base milk" and "excess milk" as follows:

(a) Combine into one total the values of skim milk and butterfat computed pursuant to § 942.70.

(b) Subtract from the value obtained pursuant to paragraph (a) of this section, if the average butterfat content of milk received from producers by such handler is more than 4.0 percent, or add to such value, if such average butterfat content is less than 4.0 percent, an amount computed as follows:

(1) Multiply the amount by which the average butterfat content of base milk received from producers varies from 4.0 percent by the butterfat differential to producers for base milk, and multiply the result by the total hundredweight of base milk delivered by producers;

(2) Multiply the amount by which the average butterfat content of excess milk received from producers varies from 4.0 percent by the butterfat differential to producers for excess milk, and multiply the result by the total hundredweight of excess milk delivered by producers; and

(3) Add the results obtained in subparagraphs (1) and (2) of this paragraph;

(c) Add to the value obtained pursuant to paragraph (b) of this section an amount computed by multiplying the total hundredweight of base milk received by such handler from producers at plants located in each freight zone farther from New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.50 (f).

(d) Subtract from the value obtained pursuant to paragraph (c) of this section an amount computed by multiplying the total hundredweight of base milk received by such handler from producers at plants located in each freight zone nearer New Orleans than the 61–70 mile

zone by the appropriate zone differential set forth in the schedule pursuant to § 942.50 (f).

(e) Subject to the conditions set forth in paragraph (f) of this section, compute the total value of excess milk delivered by producers for such handler by multiplying the quantity of such milk by the Class III price for 4.0 percent milk;

(f) Compute the total value of base milk delivered by producers for such handler by subtracting the value computed pursuant to paragraph (e) of this section from the value computed pursuant to paragraph (d) of this section: *Provided*, That if such resulting value is greater than an amount computed by multiplying the pounds of base milk delivered by producers by the Class I price computed pursuant to § 942.50 (e) (1) such value in excess thereof shall be added to the value computed pursuant to paragraph (e) of this section to the extent that the excess price shall not exceed the base price as calculated herein. Any additional value remaining shall be prorated on a volume basis between excess and base milk.

(g) Divide the result obtained in paragraph (f) of this section by the quantity of base milk received by such handler from producers. This result shall be known as the uniform price per hundredweight for such handler for "base milk" received from producers at plants located in the 61–70 mile zone; and

(h) Divide the result obtained in paragraph (e) of this section by the quantity of excess milk received by such handler from producers. This result shall be known as the uniform price per hundredweight for such handler for "excess milk" received from producers.

PAYMENTS

§ 942.80 *Payments to producers.* (a) On or before the last day of each delivery period, each handler shall make payment to each producer for milk received from such producer by such handler during the first 15 days of the delivery period at not less than the price per hundredweight for Class III milk for the preceding delivery period.

(b) On or before the 15th day after the end of each of the delivery periods of September (except September 1952) through February, each handler shall make payment to each producer for milk received from such producer by such handler during the delivery period at not less than the uniform price per hundredweight computed for such handler pursuant to § 942.71, subject to the location and butterfat differentials computed pursuant to §§ 942.81 and 942.82, less payment made pursuant to paragraph (a) of this section.

(c) On or before the 15th day after the end of each of the delivery periods of March through August and September 1952, each handler shall make payment, after deducting the amount of payment made pursuant to paragraph (a) of this section, to each producer for milk received from such producer by such handler during the delivery period as follows: (1) At not less than the uniform price per hundredweight for base milk computed pursuant to § 942.72 for the quantity of base milk received from such producer, subject to the butterfat differential computed pursuant to § 942.81 (c) and the location differential set forth in § 942.82; and (2) at not less than the uniform price per hundredweight for excess milk computed pursuant to § 942.72 for the quantity of excess milk received from such producer, subject to the butterfat differential computed pursuant to § 942.81 (b)

§ 942.81 *Butterfat differentials.* If any handler has received from any producer milk having an average butterfat content other than 4.0 percent, such handler, in making payments pursuant to § 942.80 shall add to the uniform price of milk, base milk, or excess milk, as the case may be, for each $\frac{1}{10}$ of 1 percent that the average butterfat content of such milk is above 4.0 percent not less than, or shall deduct from the uniform price of milk, base milk, or excess milk, as the case may be, for each $\frac{1}{10}$ of 1 percent that the average butterfat content of such milk is below 4.0 percent not more than, the following amount computed to the nearest $\frac{1}{10}$ cent;

(a) For each of the delivery periods of September (except September 1952) through February, the butterfat differentials applicable with respect to such handler's payments for milk shall be computed by subtracting his uniform price per hundredweight of skim milk from his uniform price per hundredweight of butterfat and dividing the result by 1,000.

(b) For each of the delivery periods of March through August and September 1952, the butterfat differential applicable with respect to such handler's payments for excess milk shall be computed by subtracting the price per hundredweight of Class III skim milk from the price per hundredweight of Class III butterfat and dividing the result by 1,000.

(c) For each of the delivery periods of March through August and September 1952, the butterfat differential applicable with respect to such handler's payments for base milk shall be computed in a manner similar to paragraph (a) of this section.

§ 942.82 *Location differentials.* Each handler, in making payments prescribed in § 942.80, shall adjust the uniform price of base milk during the delivery periods of March through August and September 1952 and of all milk during the delivery periods of September (except September 1952) through February for each producer with respect to all such milk received from such producer at a plant of the handler not located in the 61–70 mile zone by the amount per hundredweight specified in the table pursuant to § 942.50 (f).

§ 942.83 *Adjustment of accounts.* Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.

§ 942.84 *Expense of administration.* As his prorata share of the expense of administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 10th day after the end of such delivery period, with respect to all skim milk and butterfat received by such handler, during such delivery period, from producers, including that received from such handler's own farm production.

§ 942.85 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part, shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligations, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of

the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to Section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 942.90 *Producer-handlers.* Sections 942.40 through 942.45, 942.50 through 942.53, 942.60 through 942.65, 942.70 through 942.72, and 942.80 through 942.85 shall not apply to a producer-handler.

§ 942.91 *Milk subject to another Federal order.* Milk received at the plant of a handler, the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions of this part.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 942.100 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to § 942.101.

§ 942.101 *Suspension or termination.* Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

§ 942.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided:* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until removed, (2) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 942.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 942.110 *Liability of handlers.* The liability of the handlers under this part is several and not joint, and no handler shall be liable for the default of any other handler.

§ 942.111 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 942.112 *Separability of provisions.* If any provision of this part, or its application to any person or circumstance, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 1st day of May 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-5071; Filed, May 5, 1952; 8:54 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18866]

FRED C. DAUM

In re: Real property, property insurance policy and claim owned by the personal representatives, heirs, next of kin, legatees and distributees of Fred C. Daum, deceased. F-28-31851.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Fred C. Daum, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the City of Calexico County of Imperial, State of California, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. All right, title, and interest of the persons referred to in subparagraph 1 hereof, in and to all insurance policies covering the premises described in the aforesaid Exhibit A, and any and all extensions or renewals thereof, and

c. That certain debt or other obligation of W. C. Cox and Company, 208 South La Salle Street, Chicago 4, Illinois, arising out of the income received by said Company by reason of the collection of rent on the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraph 1 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1, hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain real property situated in the City of Calexico, County of Imperial, State of California, described as follows:

Lot Seven (7) and Lot Eight (8) in Block Fourteen (14) East Side Addition to Calexico, according to the plat thereof, duly filed in the Recorder's office of the County of Imperial, and State of California, dated November 18, 1908, Number 44.

[F. R. Doc. 52-5058; Filed, May 5, 1952; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Alaska Road Commission

[Public Order 2]

ABANDONMENT OF ROAD

APRIL 29, 1952.

Pursuant to authority vested in me by the Secretary of the Interior by Department of the Interior Order No. 2448, dated July 19, 1948, approved by the President July 20, 1948, I find it to be in the public interest and hereby declare the abandonment of a portion of the old Richardson Highway south of Copper Center, Alaska, being that old segment which leaves the present relocation of the Richardson Highway at approximately Station 1838 + 00 and enters the present location of the Richardson Highway at approximately 1917 + 00, all lying within Sections 18, 19 and 30 T2N R1E Copper River meridian; located in the Third Judicial District of the Territory of Alaska and all as shown on a plat entitled "Road Abandonment South of Copper Center, Alaska" on file in the office of the Alaska Road Commission, Department of the Interior, Juneau, Alaska.

A. F. GHIGLIONE,
Commissioner of Roads for Alaska.

[F. R. Doc. 52-5004; Filed, May 5, 1952; 8:46 a. m.]

Bureau of Reclamation

[Commissioner's Order 4, Amdt. 1]

ALASKA DISTRICT; EKLUTNA PROJECT

REDELEGATION OF AUTHORITY

APRIL 28, 1952.

A new paragraph 5 and reading as follows, is added to Commissioner's Order No. 4:

5. *Legal Review.* (a) Except as provided in subparagraph (b) of this paragraph, authority is delegated by the Chief Counsel to the Regional Counsel at Boise, Idaho, to pass finally on the legal sufficiency of all documents and transactions handled or executed pursuant to the authorities contained in paragraph 1. The Regional Counsel may redelegate the foregoing authority to such attorneys of his staff as he may designate.

(b) Authority is delegated by the Chief Counsel to the Chief, Field Office of Chief Counsel, Denver, to pass finally on the legal sufficiency of all construction, supply and service contracts, related documents and transactions handled pursuant to the authorities contained in subparagraph (f) of paragraph 1.

This order is effective immediately.

MICHAEL W. STRAUS,
Commissioner.

APRIL 28, 1952.

[F. R. Doc. 52-5005; Filed, May 5, 1952; 8:46 a. m.]

[Commissioner's Order 10]

REGIONAL DIRECTOR, BOULDER CITY, NEV.

REDELEGATION OF AUTHORITY

APRIL 29, 1952.

1. The functions delegated by the Secretary of the Interior to the Commissioner of Reclamation in paragraph 5 of Order No. 2685 are hereby redelegated to the Regional Director at Boulder City, Nevada.

2. The functions redelegated by this order shall be exercised in accordance with and subject to the regulations, provisions and procedures outlined in Order No. 2685.

3. This order shall be effective as of May 1, 1952.

G. W. LINEWEAVER,
Acting Commissioner of Reclamation.

[F. R. Doc. 52-5006; Filed, May 5, 1952; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order T-124]

VIRGINIA

LOAN ANNOUNCEMENT

MARCH 28, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Scott County Telephone Cooperative, Virginia 510-A[1]	$515,000

[1] Simultaneous allocation and loan.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-5072; Filed, May 5, 1952; 8:55 a. m.]

[Administrative Order T-125]

IOWA

LOAN ANNOUNCEMENT

APRIL 4, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Farmers Mutual Telephone Co., Iowa 508-B	$29,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-5073; Filed, May 5, 1952; 8:55 a. m.]

[Administrative Order T-126]

OKLAHOMA

LOAN ANNOUNCEMENT

APRIL 4, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New State Telephone Co., Oklahoma 511-A	$245,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-5074; Filed, May 5, 1952; 8:55 a. m.]

[Administrative Order 3637]

WYOMING

LOAN ANNOUNCEMENT

APRIL 3, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Wyoming 14R Laramie	$270,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-5075; Filed, May 5, 1952; 8:56 a. m.]

[Administrative Order 3638]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

APRIL 4, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of

the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Carolina 28U Williamsburg	$25,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-5076; Filed, May 5, 1952; 8:56 a. m.]

[Administrative Order 3639]

IOWA

LOAN ANNOUNCEMENT

APRIL 4, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Iowa 43T Greene	$144,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-5077; Filed, May 5, 1952; 8:56 a. m.]

[Administrative Order 3640]

LOUISIANA

LOAN ANNOUNCEMENT

APRIL 4, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Louisiana 12X Franklin	$400,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-5078; Filed, May 5, 1952; 8:56 a. m.]

[Administrative Order 3641]

WEST VIRGINIA

LOAN ANNOUNCEMENT

APRIL 4, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
West Virginia 8F Hardy	$145,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-5079; Filed, May 5, 1952; 8:56 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request No. 25—DPAV-33]

REQUEST TO PARTICIPATE IN FORMATION AND ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON CARTRIDGE CASES

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to participate in the formation and activities of an Army Ordnance Integration Committee on Cartridge Cases in accordance with the revised voluntary plan entitled "Plan and Regulations of Ordnance Corps Governing the Integration Committee on Cartridge Cases," dated September 4, 1951, was approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Defense Production Administration, and was accepted by the companies listed below.

The revised voluntary plan provides for the formation and operation of this Cartridge Cases Integration Committee and will make available to all the participating companies the production experience and techniques of each. It will also, among other things, integrate the facilities of the participants which will result in the quick attainment of maximum production and the maintenance thereof. This revised voluntary plan has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

You are requested to participate in the formation and activities of the Cartridge Cases Integration Committee in accordance with the revised voluntary plan entitled "Plan and Regulations of Ordnance Corps Governing the Integration Committee on Cartridge Cases," dates September 4, 1951, a copy of which is herewith enclosed.

In my opinion, your participation in the activities of this Committee will greatly assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the revised voluntary plan and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given only upon such acceptance, provided that the activities of the Cartridge Cases Integration Committee and your participation therein are within the limits set forth in the revised voluntary plan.

In the event that you accept this request will you kindly send a copy of your acceptance to the Procurement Division, Production Branch, Office of the Assistant Chief of Staff, G-4, United States Army, Pentagon Building, Washington 25, D. C.

Your cooperation in this matter will be appreciated.

Sincerely yours,

MANLY FLEISCHMANN,
Administrator.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

Chase Brass & Copper Co., Inc., Waterbury, Conn.

Ekco Products Co., 1949 North Cicero Avenue, Chicago, Ill.

Rheem Manufacturing Co., 5001 Jefferson Highway, P. O. Box 4027 Carrollton Station, New Orleans, La.

The Moore Enameling & Manufacturing Co., West Lafayette, Ohio.

Regal Ware, Inc. (formerly Kewaskum Utensil Co., Kewaskum, Wis.

Wilson Foundry & Machine Co., Pontiac, Mich.

Morris Thermador Corp., P. O. Box 15384, Vernon Branch, Los Angeles, Calif.

Fedders-Quigan Corp., 57 Tonawanda Street, Buffalo, N. Y.

The Electric Auto-Lite Co., Toledo, Ohio.

Revere Copper & Brass, Inc., Rome Manufacturing Company Division, P. O. Box 111, Rome, N. Y.

Globe American Corp., Kokomo, Ind.

National Pressure Cooker Co., Eau Claire, Wis.

Nesco Incorporated, 947 West St. Paul Avenue, Milwaukee, Wis.

Ingersoll Products Division, Borg-Warner Corp., 310 South Michigan Avenue, Chicago Ill.

Servel, Inc., Evansville, Ind.

(Sec. 708, 64 Stat. 818, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.)

Dated: May 1, 1952.

MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 52-5131; Filed, May 5, 1952; 11:06 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9898]

LICENSING OF RELAY STATIONS

NOTICE OF HEARING

In the matter of a new policy on licensing of relay stations in the industrial and land transportation radio services, Parts 11 and 16, respectively.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of April 1952;

The Commission having under consideration the question of further proceedings incident to the above-entitled matter in accordance with its further notice of proposed rule making released August 15, 1951;

It appearing, that this notice indicated that a hearing would be held on the following issues:

a. To determine under what circumstances, if any, Mobile Relay Stations should be licensed under Parts 11 and 16 of the Commission's rules for the purpose of providing extended range point-to-mobile communications; and

b. To determine under what circumstances, if any, Operational Fixed (Con-

trol) Stations associated with Mobile Relay Stations licensed under Parts 11 and 16 of the Commission's rules should be permitted to operate on frequencies allocated to the mobile service.

It is ordered, That pursuant to the authority contained in sections 4 (i) 301, and 303 of the Communications Act of 1934, as amended, a hearing will be held in Washington, D. C., on May 26, 1952, before Commissioner Robert T. Bartley, for the purpose of hearing evidence regarding the issues set forth above;

It is further ordered, That any person desiring to participate in the hearing shall file a notice of intention to do so on or before May 16, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-5045; Filed, May 5, 1952; 8:51 a. m.]

[Docket Nos. 10062, 10063, 10084]

NORTH SHORE BROADCASTING CO., INC., ET AL.

MEMORANDUM OPINION AND ORDER

In re applications of North Shore Broadcasting Co., Inc., Evanston, Illinois, Docket No. 10062, File No. BP-8094; George Basil Anderson, Rockford, Illinois, Docket No. 10063, File No. BP-8191; Rock River Broadcasting Company, Rockford, Illinois, Docket No. 10084, File No. BP-8286; for construction permits.

1. The Commission has before it a petion, filed December 4, 1951, by George Basil Anderson to review the memorandum opinion and order of Examiner J. D. Bond, released November 30, 1951, denying the applicant Anderson leave to amend his application and rejecting proffered amendments. A joint opposition to the petition to review was filed on December 14, 1951, by Rock River Broadcasting Company, an applicant herein, and Badger Broadcasting Company (WIBA), Madison, Wisconsin, a respondent.

2. The chronology of events and the pertinent facts are set forth below. The three applicants named in the caption propose new standard broadcast stations at Evanston and Rockford, Illinois, to be operated on 1330 kc, daytime only, using directional antennas. North Shore and Anderson propose a power of 500 watts, while Rock River proposes a power of 1,000 watts. The North Shore application was filed on May 7, 1951, and the Anderson application on July 13, 1951. A consolidated hearing on these two applications was set for November 15, 1951, by Commission order dated September 26, 1951, in which order WIBA (among others including Clinton Broadcasting Corporation (KROS), Clinton, Iowa), was named party respondent. On October 25, 1951, Rock River filed its above-entitled application for the same facilities. By order dated November 7, 1951, the Commission designated the Rock River application for consolidated hearing with the North Shore and Anderson applications.

3. After the filing of the Rock River application but before it was designated for hearing, Anderson filed (on October 26 and November 2, 1951) petitions to amend his application. In his October 26 petition for amendment (filed 20 days before the scheduled hearing date of November 15, 1951), Anderson proposed to change the applicant from an individual to a corporation in which he, his wife, and one Carl J. Tanis, are shown as the officers, directors, and subscribers of stock. The corporation, B and C Radio Company, which Anderson seeks to substitute as an applicant, is an Illinois corporation formed February 15, 1951 (approximately 5 months prior to the filing of Anderson's original application on July 13, 1951). By this October 26 amendment, Anderson further proposes to make certain changes in the directional antenna design of his proposal. The engineering portion of this amendment is dated October 22, 1951, and indicates that the purpose of the proposed engineering change in the directional antenna is to protect the proposed North Shore operation at Evanston, and to increase the protection to Station KROS.[1] This engineering amendment accompanying Anderson's petition of October 26, 1951, was not verified. Further, this amendment was incomplete in that it did not show the areas and populations to be served, the interference areas and populations, and the populations and areas within the various contours. The face of the amendment, however, reflects that the applicant recognized these deficiencies since a statement is made that such data would be supplied at the hearing.

4. Anderson's second petition to amend was filed on November 2, 1951 (five days prior to the Commission's order of November 7, 1951, designating the Rock River application for consolidated hearing, and thirteen days prior to the scheduled hearing date of the consolidated hearing). This second amendment supplies the data omitted from Anderson's amendment of October 26, 1951, and an affidavit by his engineer. The second amendment was verified separately by Anderson and his engineer on October 27, 1951.

5. Joint oppositions to Anderson's petitions for leave to amend were filed by Rock River and WIBA on November 1 and 8, 1951. Argument on the question of the requested amendments was addressed to the Examiner, who, on November 15, 1951, stated that the petitions to amend would be denied by an order bearing date of November 15, with an appropriate release date for appeal purposes, unless further consideration should lead him to a different conclusion, in which event the parties would be promptly notified (R. 147-148). At this argument the rights of Rock River Broadcasting Company as a competing applicant for the same facilities requested by Anderson to oppose the proposed amendment were not challenged, although, as indicated above, Rock River's application was not designated for hearing until November 7, 1951, and Anderson's petitions were filed on October 26 and on November 2, 1951. WIBA, party respondent, also opposed the allowance of the amendments. At this argument Commission counsel indicated that the Anderson amendments would not cause electrical interference problems requiring the participation in this proceeding of parties not already named as parties respondent.

6. Hearing in the matter began on November 15, 1951, and was held on November 19, 20, and 21, 1951, when the hearing was adjourned to a date to be set after the Commission's ruling on the present appeal. North Shore and Rock River have completed the presentation of their lay testimony; no testimony was presented on behalf of Anderson and no engineering evidence with respect to any of the applications has as yet been heard.

7. In his memorandum opinion and order released November 30, 1951, denying Anderson's petitions for leave to amend, the Examiner was of the opinion that under the standards of § 1.365 (a) of the Commission's rules,[2] the petitions and the arguments advanced on behalf of Anderson did not evince such "good cause" as to warrant the acceptance of the proposed amendment. In the Examiner's view, Anderson's second amendment of November 2, 1951, was "only curative in purpose and effect" and he therefore considered Anderson's October 26 and November 2 amendment to be one. In treating the amendments as one, however, he considered the effective filing date of November 2, 1951, since until that date the Commission did not have before it "a complete and verified amendment susceptible of processing and consideration." The Examiner concluded: "Under the rules Anderson had a duty to proceed diligently with his amendments to relieve the technical and financial difficulties of which he was aware, or to show good cause for not doing so. He has done neither and we cannot accept the amendments. Anderson's efforts to adjust technical difficulties with North Shore, by negotiation, his 'wait and see' attitude toward rumors and reports about impending other applications, and his reliance for time

[1] In this connection, it may be noted that the Examiner pointed out in his memorandum opinion and order, released November 30, 1951, denying Anderson's petitions for leave to amend, that the engineering portion of Anderson's original application is dated December 11, 1950, approximately 7 months prior to the filing of Anderson's application on July 13, 1951. North Shore's application was filed on May 7, 1951. Thus, the engineering portions of Anderson's application dated December 11, 1950, included no reference to the North Shore application. However, as further pointed out by the Examiner in his memorandum opinion and order, the North Shore application was on file for a period of approximately 2 months prior to the filing of Anderson's original application on July 13, 1951.

[2] Sec. 1.365 (a) reads in part as follows (after stating that applications may be amended as a matter of right prior to designation for hearing): "Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record, and will be granted only for good cause shown."

upon the application's progress in the Commission are not justifiable and do not evidence good cause for permitting the amendments belatedly proposed herein. It is our conclusion that the circumstances here presented clearly fall within the intent and purpose of Rule 1.365 to preserve to the Commission's procedure an essential semblance of orderliness, and to the parties in hearings before the Commission some assurance of certainty as to the issues and situations with which they are to be confronted in such proceedings."

8. In his present petition requesting review of the Examiner's decision to deny his petitions for leave to amend, Anderson in substance reiterates the same arguments advanced in his petitions for leave to amend and his argument before the Examiner. He contends (1) that when his October 26 amendment was filed it appeared to be routine inasmuch as North Shore, which was the only competing applicant, had no interest in opposing the amendment and the Rock River applicant was not then a party to the proceeding; (2) that the North Shore proposal "is receiving more protection from this engineering amendment than it would from the earlier engineering and more than it would receive should the Rock River Broadcasting Company application be granted"; (3) that the Rock River applicant should "have no complaint; it has to meet the issues in a competitive hearing anyway; it has saved its filing until the last minute and chose to file on the frequency that Anderson had selected long before, and it was not a party to the proceeding when the amendment was filed"; (4) that the WIBA position has not changed as a result of the engineering amendment since it received slight marginal interference from its original proposal and under the amendment would continue to receive slight marginal interference; (5) that the change substituting a corporation for Anderson as an individual does not constitute a substantial change because Anderson retains control in the corporate organization; and (6) that the engineering portion of the amendment does not constitute a substantial change in the proposal because it is "merely a modification of a two-element directional pattern" and the contours are not so changed "that it requires the addition of other parties to the hearing or any substantial change in the presentation of evidence which the other parties to this hearing could or would present." [2]

9. The burden of Rock River's and WIBA's joint opposition to the petition to review is that Anderson did not proceed diligently in requesting the change to a corporate applicant or in attempting to obviate the engineering difficulties which attended his application, and since an essential of "good cause" is diligence, the amendments must be denied. They point out that in his October 26, 1951, petition, Anderson stated that he desired "to delinquish his individual proprietorship in favor of a corporate entity which was his original intention," yet he filed his application five months after the formation of the corporation, on July 13, 1951, in his individual name; and did not tender an amendment, substituting the corporation, until 20 days before the scheduled hearing date. As to the proposed engineering amendment, they argue that although "Anderson knew that his application conflicted with the North Shore application, which had been on file more than two months before he filed his application, nevertheless, his engineering did not mention the conflict with North Shore when his application was filed. * * * He has not alleged any reason why he could not have known of the interference problem, nor did he proceed with due diligence as soon as he learned of the interference." They further point out that although the proposed amendment would afford greater protection to North Shore, the extent of interference to WIBA, party respondent, is not mentioned either in Anderson's original application or in his amendments.

10. We are of the opinion that the Examiner's rulings should be reversed and the amendments accepted. As was stated in Rock River Valley Broadcasting Company, 5 RR 450, "good cause" is dependent upon the facts in each case; and under the rule of the Hamtramok case, 6 RR 43, there is a balancing of the various factors to determine whether opportunity to amend should be restricted because of unfairness to other parties.

11. We shall address ourselves first to the proposal to change to a corporate applicant. There is no doubt that Anderson was not diligent in effecting this change prior to October 26, 1951. However, there is nothing before us which indicates that the late filing, twenty days before the scheduled hearing date, was caused by Anderson's desire to gain a competitive advantage over Rock River, the other Rockford applicant, which, indeed, had filed its application only the day before the filing of Anderson's petition to amend. Moreover, this portion of Anderson's October 26 amendment was complete in all respects, and was filed twenty days before the scheduled hearing date, at a time when an entirely new application then would have been entitled to competitive consideration. Under these circumstances, we see no reason to deny to Anderson a privilege which in substance would be accorded to a new applicant.

12. A more difficult question is posed with respect to the engineering amendment because it was not complete on October 26 when filed and was not perfected until November 2, 1951 (13 days before the scheduled hearing date). It is, however, undisputed that the proposed engineering amendment stems from an attempt to minimize objectionable interference between Anderson's proposal and North Shore's. Neither Rock River nor WIBA has challenged the statement of Commission counsel made at the argument before the Examiner that the amendment would not require the addition of other parties to the hearing. The oppositions of Rock River and WIBA are also absent of any allegations which would indicate that the amendment would necessitate a substantial change in their respective presentations of evidence. North Shore has interposed no objection to the allowance of the amendment. And although WIBA has opposed its allowance, WIBA's opposition is grounded upon an alleged increase in interference which does not appear to significantly affect the nature of WIBA's participation in this proceeding. As in the case of the other phase of the amendment proposal—the change to a corporation—it is evident that the purpose of the amendment was not to achieve an unfair competitive advantage over any other party; as stated above, Rock River's application was filed only the day before the engineering amendment proposal was first revealed.

13. Diligence is, of course, an element of the complex of factors which constitutes "good cause" and failure to exercise it may preclude alteration of an application. Its importance, however, is governed by the facts of the case, and where it appears that the amendment would not necessitate the addition of new parties to the proceeding, that unfairness would not be visited upon opponents either by way of competitive advantage or by way of delay flowing from the nature of the amendment requiring a substantial change in the presentation of evidence by the other parties, and that "good cause" is otherwise indicated, an amendment should be allowed.

14. *Accordingly, it is ordered,* This 23d day of April 1952, that the above described petition to review, filed December 4, 1951, is granted; that the memorandum opinion and order of the Examiner, released November 30, 1951, is set aside; and that the petitions to accept amendments, filed by Anderson on October 26 and November 2, 1951, are granted, and that the amendments submitted therewith are accepted. *It is further ordered,* That Issue No. 1 of the Commission's order of September 26, 1951, herein, is amended to read as follows:

1. To determine the technical, financial, and other qualifications of the corporate applicants, their officers, directors and stockholders, to construct and operate the proposed stations.

Released: April 30, 1952.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 52-5046; Filed, May 5, 1952; 8:52 a. m.]

[Change List No. 146]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

MARCH 25, 1952.

Notification under the provisions of Part III, Section 2, of the North American Regional Broadcasting Agreement.

[2] Anderson's purported reasons for the delay in the filing of the amendments are fully set forth at page 7 of the Examiner's memorandum opinion of November 30, 1952, and therefore need not be repeated here.

[1] Chairman Paul A. Walker partially dissented in his opinion.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

Call letters	Location	Power	Schedule	Class	Probable date to commence operation
XEMS.....	Matamoros, Tamaulipas (to be deleted—see daytime assignment to 1420 kc).	1410 kilocycles, 250 w.....	U	IV	
XEMS.....	Matamoros, Tamaulipas.....	1420 kilocycles, 250 w.....	D	IV	June 30, 1952

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-5047; Filed, May 5, 1952; 8:52 a. m.]

DELEGATIONS OF AUTHORITY

AUTHORIZATIONS FOR CHIEFS OF OPERATING BUREAUS TO ACT ON DISMISSALS OF APPLICATIONS

In the matter of amendment of the Commission's statement of delegations of authority to provide authorization for the Chiefs of the Operating Bureaus to act on dismissals of applications where an applicant fails to respond to official correspondence, and where a conflicting application is filed less than 20 days before the date of hearing.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of April 1952;

The Commission having under consideration the subject of expediting action on the dismissal of applications under certain circumstances; and

It appearing, that it would be conducive to the orderly dispatch of the Commission's business to authorize the Chiefs of the Operating Bureaus to dismiss applications without prejudice in those cases processed by their respective Bureaus (1) where § 1.381 (a) of the Commission's rules provides for dismissal of applications because the applicant fails to respond to official correspondence or request for additional material from the Commission; and (2) where § 1.387 (b) (3) of the Commission's rules provides for dismissal of an application which is filed less than 20 days before the date set for hearing on a mutually exclusive application or applications; and

It further appearing, that notice of proposed rule making is not required by the provisions of section 4 of the Administrative Procedure Act since the amendments of the rules herein relate to internal Commission organization and procedure and are not substantive in nature;

It is ordered, Under the authority of section 5 (e) of the Communications Act of 1934, as amended, authority to dismiss applications without prejudice (1) where an applicant has failed to answer official correspondence or a request for additional material from the Commission as provided in § 1.381 (a) of the Commission's Rules; and (2) where an application is filed less than 20 days before the date set for hearing on a mutually exclusive application or applications as provided in § 1.387 (b) (3) of the Commission's rules, is delegated to the Chief of the Operating Bureau authorized to process such applications.

Released: April 25, 1952.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-5048; Filed, May 5, 1952; 8:52 a. m.]

SHIP ACCOUNTS BRANCH

TRANSFER

Order transferring Ship Accounts Branch in the International Division of the Common Carrier Bureau to the Office of the Secretary.

At a session of the Federal Communications Commission held at its office in Washington, D. C., on the 23d day of April 1952;

It is ordered, Under the authority of the Communications Act of 1934, as amended, that:

(a) The Ship Accounts Branch in the International Division of the Common Carrier Bureau be transferred to the Office of the Secretary;

(b) The name of the unit be changed to "International Telecommunications Settlements Division".

This order shall become effective April 25, 1952.

Released: April 25, 1952.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-5049; Filed, May 5, 1952; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1308]

SOUTHERN NATURAL GAS CO.

NOTICE OF PETITION TO AMEND ORDER

APRIL 30, 1952.

Take notice that Southern Natural Gas Company (Petitioner), a Delaware corporation having its principal place of business at Birmingham, Alabama, filed on April 14, 1952, a petition to amend the order of the Commission entered in this matter on May 18, 1950, issuing a certificate of public convenience and necessity, authorizing, among other things, the construction and operation of 105 miles of 10¾-inch pipeline and 19 miles of 8⅝-inch pipeline from Bass Junction, Georgia, to Aiken, South Carolina.

Petitioner alleges that at Docket No. G-1676, it filed an application for a certificate of public convenience and necessity authorizing the construction and operation of 105 miles of 14-inch pipeline in lieu of the 10¾-inch pipeline authorized at Docket No. G-1308. Said application at Docket No. G-1676 is pending before the Commission.

Petitioner further alleges that at Docket No. G-1907, it filed an application for a certificate of public convenience and necessity authorizing the construction and operation of 130 miles of 16-inch pipeline in lieu of the lines authorized or applied for in Docket Nos. G-1308 and G-1676. This application at Docket No. G-1907 is pending.

The order of May 18, 1950, at Docket No. G-1308 provided that the construction of the facilities therein authorized should be completed and placed in operation on or before December 31, 1951, unless otherwise ordered by the Commission for good cause shown.

Petitioner alleges that it anticipates a decision at Docket No. G-1676 or at Docket No. G-1907 may be rendered prior to the end of 1952 and that it seeks appropriate rights-of-way so that it may be in a position to construct such Bass Junction-Aiken line in 1952. In order to institute condemnation proceedings pursuant to section 7 (h) of the Natural Gas Act, Petitioner must show it is the holder of a valid certificate. Therefore, in order to reinstate the certificate authority for the 10¾-inch pipeline authorized at Docket No. G-1308, Petitioner requests an order amending the order of May 18, 1950, by extending the completion date from December 31, 1951, to December 31, 1952.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 19th day of May 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-5013; Filed, May 5, 1952; 8:47 a. m.]

[Docket Nos. G-1710, G-1842]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF CONTINUANCE OF ORAL ARGUMENT

APRIL 29, 1952.

Notice is hereby given that the oral argument now scheduled for May 16, 1952, in the above-designated matter, be and it is hereby continued to May 19, 1952, at 10:00 a. m., e. d. s. t., in the Commission Hearing Room, 1800 Pennsylvania Avenue NW., Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-5015; Filed, May 5, 1952; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2811]

GENERAL PUELIC UTILITIES CORP. AND JERSEY CENTRAL POWER & LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE WITH RESPECT TO SALE OF GAS PROPERTIES

APRIL 29, 1952.

General Public Utilities Corporation ("GPU"), a registered holding company, and its utility subsidiary Jersey Central Power & Light Company ("Jersey Central") having filed a joint declaration and amendments thereto pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 thereunder, concerning the proposed sale by Jersey Central of its gas properties and franchises to New Jersey Natural Gas Company ("New Jersey," formerly known as County Gas Company) for a base consideration of $13,757,385.73 plus the costs of conversion to natural gas incurred by Jersey Central up to the date of closing, together with certain other adjustments based on changes which have occurred since May 31, 1951; and

After appropriate notice a public hearing having been held, and the Commission having considered the record and having this day entered its findings and opinion herein:

It is ordered, That said declaration as amended be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24, and to the further condition that jurisdiction be, and the same hereby is, reserved with respect to the fees and expenses incurred or to be incurred by the declarants in connection with the proposed transaction.

Declarants having requested that the Commission's order conform with the requirements of Supplement R and 1808 (f) of the Internal Revenue Code as amended,

It is further ordered and recited, That the following transactions are necessary or appropriate to the integration or simplification of the GPU System, of which Jersey Central is a part, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

1. The transfer, sale, assignment and conveyance to County or its assigns by Jersey Central of its gas properties, facilities, franchises, privileges, and rights pertaining thereto, as is more fully described in an agreement between Jersey Central and County, dated as of December 3, 1951, which agreement is hereby incorporated herein by reference.

2. The receipt by Jersey Central of the proceeds of such sale in accordance with the aforementioned agreement of the consideration therein provided for consisting of:

(a) The base purchase price of $13,757,385.73;

(b) The net adjustments with respect thereto, including:

(i) Additions to such gas properties between the close of business on May 31, 1951, and the closing date;

(ii) The excess of gas plant work-in-progress accounts at the closing date over the amounts in said accounts at May 31, 1951;

(iii) The greater of (a) specified percentages of retirements of gas properties between the close of business at May 31, 1951, and the closing date, or (b) the aggregate amount of depreciation accruals applicable to the gas properties between the close of business on May 31, 1951, and the closing date;

(iv) Federal income and excess profits tax benefits, if any, which may have been received by Jersey Central on account of unrecorded abandonment losses relating to the gas properties claimed in Jersey Central's Federal income or excess profits tax returns since 1948;

(v) Unbilled revenues as at the closing date;

(vi) Proration as at the closing date of (a) all rents, (b) insurance premiums for insurance which is continued subsequent to the closing date, (c) membership dues in the American Gas Association and the New Jersey Gas Association, and (d) taxes and assessments applicable to the tax year in which the closing takes place which are applicable to the gas properties;

(vii) Materials and supplies, fuel, miscellaneous gas equipment and supplies and "line pack" transferred to County;

(viii) The amount of gas customers' service deposits Jersey Central elects, with consent of County, to transfer to County;

(ix) An amount equal to the refundable customers' advances in aid of gas construction held by Jersey Central at the closing date and unpaid interest thereon;

(x) The fair market value of the unimproved real estate upon which certain facilities used solely in the conduct of Jersey Central's electric business which Jersey Central reserves to itself;

(xi) The cost to Jersey Central of such part of Jersey Central's leasehold improvements applicable to the expired portion of leases to be transferred to County which have not been charged off on Jersey Central's books of accounts;

(xii) Unrepaired damage suffered since May 31, 1951, and prior to the closing date as a result of fire or other casualty to any buildings located on real property to be transferred to County and not retired on Jersey Central's books of accounts; and

(c) Reimbursement of Jersey Central's expenditures prior to the closing date for conversion of customers' facilities to the utilization of natural gas.

3. The expenditure by Jersey Central of the proceeds received from the aforesaid sale of its gas properties for either of the following purposes:

(a) To repay its outstanding notes evidencing loans from banks.

(b) To pay for property additions directly or through reimbursement of its treasury for expenditures therefrom for property additions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5018; Filed, May 5, 1952; 8:48 a. m.]

[File No. 70-2831]

UNION ELECTRIC CO. OF MISSOURI

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER RESULTS OF COMPETITIVE BIDDING ON BONDS AND OVER FEES AND EXPENSES

APRIL 30, 1952.

Union Electric Company of Missouri ("Union"), a registered holding company and an electric utility subsidiary of The North American Company, also a registered holding company, having filed a declaration, and amendments thereto, pursuant to sections 6 (a) and 7 of the act and Rule U-50 promulgated thereunder, regarding the proposed issuance and sale, pursuant to the competitive bidding requirements of Rule U-50, of $30,000,000 principal amount of First Mortgage and Collateral Trust Bonds, 3¼ percent Series due 1982; and

The Commission having by order dated April 21, 1952, permitted said declaration, as amended, to become effective, subject, however, to the conditions that the proposed sale of the said bonds of Union should not be consummated until the results of the competitive bidding pursuant to Rule U-50 had been made a matter of record in this proceeding and a further order had been entered by the Commission in the light of the record so completed, and that jurisdiction be reserved with respect to all fees and expenses incurred or to be incurred with respect to the proposed transactions; and

Union having filed a further amendment to its declaration herein stating that, pursuant to the invitation for competitive bids, the following bids for the said bonds have been received:

Bidder	Annual interest rate (percent)	Price to company[1] (percent) of principal	Annual cost to company (percent)
Lehman Bros. & Bear, Stearns & Co.	3¼	101.409	3.176898
Blythe & Co., Inc., and Union Securities Corp.	3¼	101.3899	3.177780
The First Boston Corp.	3¼	101.3599	3.179334
White, Weld & Co. and Shields & Co.	3¼	101.3469	3.180
Halsey, Stuart & Co., Inc.	3¼	101.31	3.181906

[1] Plus accrued interest from May 1, 1952.

Said amendment having further stated that Union has accepted the bid of Lehman Brothers and Bear, Stearns & Co., and that the said bonds are to be offered to the public at a price of 101.931 percent of the principal amount, plus accrued interest from May 1, 1952, resulting in an underwriters' spread of 0.522 percent, aggregating $156,600; and

The record having been completed with respect to the estimated fees and expenses to be incurred by the company in connection with the proposed transactions which fees and expenses are estimated as follows:

Filing fee for registration statement	$3,120
Fee payable to Missouri Public Service Commission	10,500
Federal tax on original issue	33,000
Printing of registration statements, etc.	56,000
Charges of trustee for authentication of bonds	18,000
Fees of counsel for the company:	
Igoe, Carroll & Keefs	7,500
Clifton J. O'Harra	500
Keyes & Bushman	500
Fees of accountants: Price Waterhouse & Co.	4,000
Advertising expenses	1,500
Expense of listing bonds on New York Stock Exchange	4,000
Out-of-pocket expense of underwriters to be reimbursed by company (maximum)	1,500
Title expenses and recording supplemental indenture	8,500
Miscellaneous expenses, including telephone and telegraph and traveling expenses	8,000
Total	156,620

It also appearing that the fee of Cahill, Gordon, Zachry & Reindel, counsel for the underwriters, to be paid by the purchasers of the bonds is $12,000; and

The Commission having examined said declaration, as further amended, and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said bonds, the underwriters' spread and allocation thereof, or otherwise; and it appearing to the Commission that the fees and expenses are not unreasonable, provided they do not exceed the amounts estimated; and it appearing appropriate to the Commission that jurisdiction heretofore reserved (a) to consider the results of the competitive bidding with respect to the bonds and (b) with respect to the fees and expenses, be released:

It is ordered, That jurisdiction heretofore reserved (a) with respect to the matters to be determined as a result of competitive bidding in connection with the sale of the said bonds under Rule U-50 and (b) with respect to fees and expenses be, and the same hereby is, released, and that said declaration, as further amended, be and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5020; Filed, May 5, 1952; 8:49 a. m.]

[File No. 70-2855]

COLUMBIA GAS SYSTEM, INC., ET AL.

NOTICE REGARDING PROPOSED ADVANCES ON OPEN ACCOUNT TO FIVE SUBSIDIARY COMPANIES BY PARENT COMPANY

APRIL 30, 1952.

In the matter of The Columbia Gas System, Inc., The Ohio Fuel Gas Company, United Fuel Gas Company, The Manufacturers Light and Heat Company, Central Kentucky Natural Gas Company, and Home Gas Company; File No. 70-2855.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration with this Commission pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935, and Rule U-45 promulgated thereunder.

All interested persons are referred to said declaration which is on file in the offices of the Commission for a statement of the transactions therein proposed which are summarized as follows:

Columbia proposes to advance varying amounts aggregating not in excess of $20,350,000 to five of its subsidiaries on open account during the year 1952 as follows:

The Ohio Fuel Gas Co	$8,500,000
United Fuel Gas Co	6,350,000
The Manufacturers Light & Heat Co	4,000,000
Central Kentucky Natural Gas Co	900,000
Home Gas Co	600,000

Such advances will bear an interest rate of 3⅛ percent per annum, and will be repayable in three equal installments on February 10, March 10, and April 10, 1953.

The declarant states that the proceeds will be used by the subsidiaries to finance the purchase of gas for their current inventories.

The declaration states that the proposed advance to United Fuel is subject to the jurisdiction of the Public Service Commission of West Virginia.

Notice is further given that any interested person may, not later than May 14, 1952 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 14, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5023; Filed, May 5, 1952; 8:50 a. m.]

[File No. 70-2856]

COLUMBIA GAS SYSTEM, INC., ET AL.

NOTICE REGARDING PROPOSED ISSUANCE OF SECURITIES BY SUBSIDIARIES AND ACQUISITION THEREOF BY PARENT HOLDING COMPANIES

APRIL 30, 1952.

In the matter of the Columbia Gas System, Inc., Atlantic Seaboard Corporation, Amere Gas Utilities Company, Virginia Gas Distribution Corporation, and Virginia Gas Transmission Corporation; File No. 70-2856.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by The Columbia Gas System, Inc. ("Columbia"), a registered holding company, its subsidiary, Atlantic Seaboard Corporation ("Seaboard"), also a registered holding company, and Amere Gas Utilities Company ("Amere"), Virginia Gas Distribution Corporation ("Distribution"), and Virginia Transmission Corporation ("Transmission"), subsidiaries of Seaboard. Applicants-declarants have designated sections 6 (b), 7, 9, and 10 of the act as applicable to the proposed transactions.

All interested persons are referred to said joint application-declaration which is on file in the offices of the Commission for a statement of the transactions therein proposed which are summarized as follows:

Seaboard will amend its Certificate of Incorporation to increase its authorized capital from 800,000 shares of common stock, $25 par value, to 1,000,000 shares of common stock, $25 par value.

Seaboard proposes to issue and sell and Columbia proposes to purchase, at par, up to 160,000 shares of Seaboard's common stock, $25 par value, and $4,000,000 principal amount of 3⅝ percent Installment Promissory Notes. Of the $8,000,000 proceeds to be realized therefrom, Seaboard will use $6,350,000 in connection with its 1952 construction program, and will use the balance of $1,650,000 to purchase at par 18,000 shares of Amere's $25 par value common stock and $450,000 principal amount of Amere's 3⅝ percent Installment Promissory Notes; 10,000 shares of Distribution's $25 par value common stock and $250,000 principal amount of Distribution's 3⅝ percent Installment Promissory Notes; and 10,000 shares of Transmission's $25 par value common stock. The Notes to be issued by Seaboard, Amere and Distribution are to be paid in equal annual installments on February 15 of each of the years 1954 through 1978. The proceeds of $900,000 to be realized by Amere, of $500,000 by Distribution, and of $250,000 by Transmission, from the sales of said securities to Seaboard, will be used to finance their 1952 construction programs. None of the proposed transactions will be consummated after March 31, 1953.

Applicants-declarants state that if the dissolution of Transmission and the sale of Amere and Distribution to Columbia are carried out as proposed in the joint application-declaration now pending before the Commission (File No.

70-2788) the new cash requirements of Seaboard will be $1,300,000 less and the amount borrowed on Installment Notes will be reduced to $2,700,000.

The joint application-declaration states that the proposed issue and sale of common stock and Notes by Distribution and the proposed issue and sale of common stock by Transmission are subject to the jurisdiction of the State Corporation Commission of Virginia, and that the proposed issue and sale of common stock and Notes by Amere are subject to the jurisdiction of The Public Service Commission of West Virginia.

Notice is further given that any interested person may, not later than May 14, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 14, 1952, said joint application-declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5022; Filed, May 5, 1952; 8:49 a. m.]

[File No. 70-2857]

COLUMBIA GAS SYSTEM, INC., AND UNITED FUEL GAS CO.

NOTICE REGARDING CASH CAPITAL CONTRIBUTION AND FORGIVENESS OF OPEN ACCOUNT ADVANCES BY PARENT COMPANY, AND ISSUANCE AND SALE OF PROMISSORY NOTES BY SUBSIDIARY TO PARENT

APRIL 30, 1952.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and United Fuel Gas Company ("United Fuel"), a subsidiary company of Columbia, have filed a joint application-declaration with the Commission pursuant to sections 6 (b), 9, 10, and 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder.

All interested persons are referred to said joint application-declaration which is on file in the offices of the Commission for a statement of the transactions therein proposed which are summarized as follows:

Columbia will make a cash capital contribution to United Fuel in the amount of $3,000,000. Columbia will increase its investment in the common stock of United Fuel by $2,999,918.94 and will charge $81.06 (the amount of the contribution which is applicable to the minority interest) to operating expense. United Fuel proposes to credit $3,000,000 to its capital surplus.

United Fuel proposes to issue and sell at par to Columbia $10,800,000 principal amount of 3⅝ percent Installment Promissory Notes. These Notes will be registered and dated from the date of their issue. The principal amounts thereof will be due in equal annual installments on February 15 of each of the years 1954 through 1978. Interest will be payable semiannually on February 15 and August 15.

None of the above proposed transactions will be consummated subsequent to March 31, 1953.

Columbia also proposes to make a capital contribution to United Fuel by forgiving $6,000,000 principal amount of 2¾ percent open account advances owing to Columbia and due June 1, 1952. Columbia proposes to increase its investment in the common stock of United Fuel by $5,999,837.88 and will charge $162.12 (the amount of the contribution which is applicable to the minority interest) to operating expense. United Fuel proposes to credit $6,000,000 to its capital surplus.

The joint application-declaration states that such funds are required by United Fuel to finance its 1952 construction program and to purchase "cushion" gas in connection with its gas storage program. In this connection it is stated that in providing the funds to United Fuel, Columbia will first make capital contributions when and as funds are required by United Fuel up to a maximum amount of $3,000,000, and thereafter, if additional funds are required, Columbia will purchase 3⅝ percent Installment Notes from United Fuel up to a maximum amount of $10,800,000.

The joint application-declaration states that the proposed issue and sale of the 3⅝ percent Installment Notes of United Fuel are subject to the jurisdiction of the Public Service Commission of West Virginia.

Notice is further given that any interested person may, not later than May 14, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 14, 1952, said joint application-declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5021; Filed, May 5, 1952; 8:49 a. m.]

[File No. 70-2858]

COLUMBIA GAS SYSTEM, INC., AND CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE REGARDING ISSUANCE AND SALE OF COMMON STOCK AND PROMISSORY NOTES BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT COMPANY

APRIL 30, 1952.

Notice is hereby given that a joint application has been filed with this Commission by The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and Central Kentucky Natural Gas Company ("Central Kentucky"), a subsidiary company of Columbia, pursuant to the Public Utility Holding Company Act of 1935. Sections 6 (b), 9, and 10 of the act have been designated as being applicable to the proposed transactions.

All interested persons are referred to said joint application which is on file in the offices of the Commission for a statement of the transactions therein proposed which are summarized as follows:

Central Kentucky proposes to issue and sell and Columbia proposes to acquire for $600,000 in cash, 24,000 shares of common stock, par value $25 per share. Central Kentucky also proposes to issue and sell and Columbia proposes to acquire $575,000 principal amount of 3⅝ percent Installment Promissory Notes. Said Notes would be registered and the principal amounts thereof would be payable in 25 equal annual installments on February 15 of each of the years 1954 to 1978, inclusive. Interest on the unpaid principal amount thereof would be payable semiannually on February 15 and August 15.

Columbia states that in providing Central Kentucky with $1,175,000 of new money it would first purchase common stock, at par, when and as funds are required up to a maximum amount of 24,000 shares. Thereafter, Columbia would purchase 3⅝ Percent Notes of Central Kentucky, as funds are needed, up to a maximum principal amount of $575,000. It is further stated that Central Kentucky would not issue or sell any such common stock or 3⅝ Percent Notes subsequent to March 31, 1953.

The joint application states that the proceeds from the sale of the additional common stock and 3⅝ Percent Notes would be used by Central Kentucky for the purpose of financing its scheduled 1952 construction program.

The issuance and sale of the said common stock and Notes by Central Kentucky are stated to be subject to the jurisdiction of the Public Service Commission of the Commonwealth of tucky.

Notice is further given that any interested person may, not later than May 14, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said joint application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street,

NW., Washington 25, D. C. At any time after May 14, 1952, said joint application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5019; Filed, May 5, 1952; 8:48 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 2, Revision 1]

DIRECTOR OF PRICE OPERATIONS, DEPUTY DIRECTOR, CHIEF COUNSEL OR ACTING CHIEF COUNSEL, AND ECONOMIC ADVISOR

DELEGATION OF AUTHORITY TO ACT AS DIRECTOR OF PRICE STABILIZATION

By virtue of the authority vested in me as the Director of Price Stabilization pursuant to Executive Order 10161, Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626) General Order No. 5, revised (16 F. R. 11875), and General Order No. 15 (17 F. R. 2994), this Revision 1 of Delegation of Authority 2, as amended (16 F. R. 3594, 8668) is hereby issued:

1. Whenever the Director of Price Stabilization is absent from the City of Washington, D. C., the functions delegated to him by General Orders No. 2, as amended, No. 5, revised, and No. 15 of the Economic Stabilization Agency are hereby further delegated to the Director of Price Operations, Office of Price Stabilization, and shall be exercised by him as Acting Director of Price Stabilization.

2. Whenever the Director of Price Stabilization and the Director of Price Operations, Office of Price Stabilization, are absent from the City of Washington, D. C., the functions delegated to the Director of Price Stabilization by General Orders No. 2, as amended, No. 5, revised, and No. 15 of the Economic Stabilization Agency are hereby further delegated to the Deputy Director, Office of Price Stabilization, and shall be exercised by him as Acting Director of Price Stabilization.

3. Whenever the Director of Price Stabilization, the Director of Price Operations, Office of Price Stabilization, and the Deputy Director, Office of Price Stabilization are absent from the City of Washington, D. C., the functions delegated to the Director of Price Stabilization by General Orders No. 2, as amended, No. 5, revised, and No. 15 of the Economic Stabilization Agency are hereby further delegated to the Chief Counsel or Acting Chief Counsel, Office of Price Stabilization, and shall be exercised by him as Acting Director of Price Stabilization.

4. Whenever the Director of Price Stabilization, the Director of Price Operations, Office of Price Stabilization, the Deputy Director, Office of Price Stabilization, the Chief Counsel or Acting Chief Counsel, Office of Price Stabilization are absent from the City of Washington, D. C., the functions delegated to the Director of Price Stabilization by General Orders No. 2, as amended, No. 5, revised, and No. 15 of the Economic Stabilization Agency are hereby further delegated to the Economic Advisor, Office of Price Stabilization, and shall be exercised by him as Acting Director of Price Stabilization.

This revision shall take effect on May 2, 1952.

ELLIS ARNALL, *Director of Price Stabilization.*

MAY 1, 1952.

[F. R. Doc. 52-5059; Filed, May 1, 1952; 4:43 p. m.]

[Region V, Redelegation of Authority 4, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION V

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR ADJUSTMENT OF PRICES RELATING TO ICE

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization, Region V, pursuant to Delegation of Authority 14, Revision 1 (17 F. R. 3471), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region V, to act on all applications for adjustment under the provisions of sections 1–5 inclusive of GCPR, SR 45, Revision 1, as amended.

This revised redelegation of authority is effective as of January 30, 1952.

GEORGE D. PATTERSON, Jr., *Director of Regional Office V.*

MAY 1, 1952.

[F. R. Doc. 52-5060; Filed, May 1, 1952; 4:43 p. m.]

[Region V, Redelegation of Authority 31]

DIRECTORS OF DISTRICT OFFICES, REGION V

REDELEGATION OF AUTHORITY TO MAKE EXEMPT PURCHASES OF LIVE CATTLE UNDER SECTION 6 OF CPR 23

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization, Region V, pursuant to Delegation of Authority 63 (17 F. R. 3471), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region V, to take appropriate action under section 6 of CPR 23. All actions taken by District Directors under section 6 of CPR 23, previous to this redelegation of authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of April 22, 1952.

GEORGE D. PATTERSON, Jr., *Director of Regional Office V.*

MAY 1, 1952.

[F. R. Doc. 52-5065; Filed, May 1, 1952; 4:44 p. m.]

[Region VI, Redelegation of Authority 4, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VI

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR ADJUSTMENT OF PRICES RELATING TO ICE

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 14, Revision 1 (17 F. R. 3471), this revision of Redelegation of Authority No. 4 (16 F. R. 7783), and Redelegation of Authority No. 4, Supplement No. 1 (16 F. R. 9115), is hereby issued.

1. *Authority to act under sections 1–5 inclusive of GCPR, SR 45, Revision 1.* Authority is hereby delegated to the Directors of the Cincinnati, Ohio; Cleveland, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky; and Toledo, Ohio, District Offices of the Office of Price Stabilization to act on all applications for adjustments under the provisions of sections 1–5 inclusive of GCPR, SR 45, Revision 1, as amended.

This revised redelegation of authority is effective as of January 30, 1952.

A. H. ANDERSON, *Deputy Director of Regional Office No. VI.*

MAY 1, 1952.

[F. R. Doc. 52-5061; Filed, May 1, 1952; 4:43 p. m.]

[Region VII, Redelegation of Authority 33]

DIRECTORS OF DISTRICT OFFICES, REGION VII

REDELEGATION OF AUTHORITY TO ACT ON FINAL PRICING METHOD AND ADJUSTMENT PROVISIONS OF CPR 13

By virtue of the Authority vested in me as Director of the Regional Office of the Office of Price Stabilization, Region VII, pursuant to the provisions of Delegation of Authority No. 62, dated April 11, 1952 (17 F. R. 3258), this Redelegation of Authority No. 33 is hereby issued:

1. Authority is hereby redelegated to the District Directors of the Office of Price Stabilization in Region VII.

(a) To request of any seller of petroleum products who is covered by Ceiling Price Regulation 13 further information regarding such seller's filing of a price under the provisions of sections 13 and 18 of Ceiling Price Regulation 13, or regarding his application for adjustment under the provisions of sections 16 and 17 of Ceiling Price Regulation 13;

(b) To grant, revise or deny applications for adjustment made under the provisions of sections 16 and 17 of Ceiling Price Regulation 13;

(c) To approve, disapprove or revise ceiling prices determined under the provisions of sections 13 and 18 of Ceiling Price Regulation 13.

This redelegation of authority shall take effect May 2, 1952.

HYMAN RASKIN, *Director of Regional Office No. VII.*

MAY 1, 1952.

[F. R. Doc. 52-5066; Filed, May 1, 1952; 4:44 p. m.]

[Region VII, Redelegation of Authority 34]

DIRECTORS OF DISTRICT OFFICES, REGION VII

REDELEGATION OF AUTHORITY TO MAKE EXEMPT PURCHASES OF LIVE CATTLE UNDER SECTION 6 OF CPR 23

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization, Region VII, pursuant to the provisions of Delegation of Authority No. 63, dated April 17, 1952 (17 F. R. 3471), this Redelegation of Authority No. 34 is hereby issued:

1. Authority to act under section 6 of CPR 23. Authority is hereby redelegated to the District Directors of the Office of Price Stabilization in Region VII to take appropriate action under section 6 of CPR 23. All actions taken by field offices under section 6 of CPR 23, previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect May 2, 1952.

HYMAN RASKIN,
Director of Regional Office No. VII.

MAY 1, 1952.

[F. R. Doc. 52-5067; Filed, May 1, 1952; 4:44 p. m.]

[Region VIII, Redelegation of Authority 35]

DIRECTORS OF DISTRICT OFFICES, REGION VIII

REDELEGATION OF AUTHORITY TO ISSUE ORDERS ESTABLISHING PRICE FACTORS, EXCHANGE ALLOWANCES, PRICE DIFFERENTIALS, PRICE DETERMINING METHODS, UNDER CPR 139

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 64, dated April 22, 1952 (17 F. R. 3617), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Eighth Region, to issue orders establishing price factors, exchange allowances, and price differentials under section 27, exchange allowances under section 26 (c), price determining methods under section 34, and price factors and price differentials under section 46 of Ceiling Price Regulation 139.

This redelegation of authority shall take effect as of April 28, 1952.

MAY 1, 1952.

JOSEPH ROBBIE, Jr.,
Regional Director, Region VIII.

[F. R. Doc. 52-5068; Filed, May 1, 1952; 4:45 p. m.]

[Region VIII, Redelegation of Authority 14, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VIII

REDELEGATION OF AUTHORITY TO PROCESS REPORTS OF PROPOSED PRICE-DETERMINING METHODS UNDER SECTION 5, AS AMENDED, AND TO ACT UNDER SECTION 17 (b) OF CPR 100

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 37, Revision 1, dated April 21, 1952 (17 F. R. 3563), this redelegation of authority is hereby issued.

1. *Authority to act under section 5, as amended, of CPR 100.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Eighth Region, to approve, pursuant to section 5, as amended, of CPR 100, a price-determining method for sales of new complete farm equipment, or new farm equipment repair parts proposed by a seller under CPR 100, disapprove such a proposed price-determining method, establish a different price-determining method, or request further information concerning such a price-determining method.

2. *Authority to act under section 17 (b) of CPR 100.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Eighth Region, to issue orders, pursuant to section 17 (b) of CPR 100, fixing ceiling prices for any person subject to this Regulation who fails to keep the records, file the reports and establish ceiling prices as required therein, or who fails to apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so.

This redelegation of authority shall take effect as of April 22, 1952.

JOSEPH ROBBIE, Jr.,
Regional Director, Region VIII.

MAY 1, 1952.

[F. R. Doc. 52-5063; Filed, May 1, 1952; 4:44 p. m.]

[Region X, Redelegation of Authority 4, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION X

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR ADJUSTMENT OF PRICES RELATING TO ICE

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, pursuant to Delegation of Authority No. 14, Revision 1 (17 F. R. 3471), this revised redelegation of authority is hereby issued.

1. Authority to act under sections 1-5 inclusive of GCPR, SR 45, Revision 1. Authority is hereby redelegated to the Directors of the Little Rock, Arkansas; Tulsa, Oklahoma; Oklahoma City, Oklahoma; Shreveport, Louisiana; New Orleans, Louisiana; Lubbock, Texas; Fort Worth, Texas; Dallas, Texas; Houston, Texas; and San Antonio, Texas, District Offices of Price Stabilization, to act on all applications for adjustment under the provisions of sections 1-5 inclusive of GCPR, SR 45, Revision 1, as amended.

This revised redelegation of authority is effective as of January 31, 1952.

ALFRED L. SEELYE,
Director of Regional Office No. X.

MAY 1, 1952.

[F. R. Doc. 52-5062; Filed, May 1, 1952; 4:44 p. m.]

[Region XIII, Redelegation of Authority 22]

DISTRICT DIRECTORS, REGION XIII

REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DISTRIBUTION REGULATION 1, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 11, Revision 1 (17 F. R. 2145), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle, and Spokane District Offices of Price Stabilization, respectively, to request further information or to take other appropriate action with respect to statements, reports, notices or forms filed by Class 2 or Class 2A slaughterers under section 12 (f) or 17 (b), or with respect to certificates filed under section 12 (e) of Distribution Regulation 1, Revision 1.

2. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle, and Spokane District Offices of Price Stabilization, respectively, to grant, deny, request further informatoin or take such other action as the National Office may direct with respect to applications made by Class 2 or Class 2A slaughterers under section 9 (c) of Distribution Regulation 1, Revision 1, and to take appropriate action with respect to Class 2 or Class 2A slaughterers under sections 9 (a) or 9 (b) and 20 (d) of Distribution Regulation 1, Revision 1. The authority redelegated with reference to section 20 (d) shall be exercised only with reference to actions taken by the District Director under Distribution Regulation 1, Revision 1.

3. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle and Spokane District Offices of Price Stabilization, respectively, to grant, deny, request further information or take other appropriate action with respect to applications made under section 12 (c) of Distribution Regulation 1, Revision 1.

This redelegation of authority shall become effective as of April 19, 1952.

JOHN L. SALTER,
Regional Director, Region XIII.

MAY 1, 1952.

[F. R. Doc. 52-5064; Filed, May 1, 1952; 4:44 p. m.]

[Delegation of Authority No. 58, Revision 1]

DIRECTORS OF REGIONAL OFFICES

DELEGATION OF AUTHORITY TO PROCESS REPORTS AND APPLICATIONS FOR CEILING PRICES IN CONFORMITY WITH THE COMMODITY CREDIT CORPORATION PRICE SUPPORT PROGRAM UNDER GOR 26

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 812; 65 Stat. 131), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this Revision 1 of Delegation of Authority No. 58 is hereby issued.

1. Authority is hereby delegated to each Director of a Regional Office of the Office of Price Stabilization:

(a) To process reports filed pursuant to section 4 of GOR 26 and to approve or disapprove such reports including the ceiling prices stated therein or request further information pertaining thereto, and

(b) To process applications for ceiling prices submitted by applicants whose main places of business are located within his region pursuant to section 3 (b) (3) of GOR 26, and to approve or disapprove the proposed ceiling prices, establish different ceiling prices, or request further information concerning the applications.

2. The authority herein delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This Revision 1 of Delegation of Authority No. 58 shall take effect on May 6, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MAY 5, 1952.

[F. R. Doc. 52-5138; Filed, May 5, 1952; 11:58 a. m.]

[Delegation of Authority No. 66]

REGIONAL DIRECTORS

DELEGATION OF AUTHORITY TO ACT UNDER SECTION 6 OF CEILING PRICE REGULATION 31

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 65 Stat. 131), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this Delegation of Authority is hereby issued.

1. Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to receive and examine reports filed under the provisions of section 6 of Ceiling Price Regulation 31; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 31; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of section 6 of Ceiling Price Regulation 31.

2. The authority herein delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This Delegation of Authority shall take effect on May 10, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MAY 5, 1952.

[F. R. Doc. 52-5139; Filed, May 5, 1952; 11:58 a. m.]

[Ceiling Price Regulation 9, S. R. 3 Special Order 11]

VACHERON & CONSTANTIN-LECOULTRE WATCHES, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This order establishes uniform retail ceiling prices for the sale of watches and clocks manufactured by Vacheron & Constantin-Le Coultre Watches, Inc., under the brand name "Le Coultre" in the Territory of Hawaii on the basis of an application filed by Vacheron & Constantin-Le Coultre Watches, Inc. under SR 3 to CPR 9. This supplementary regulation gives a manufacturer the right to apply for uniform retail ceiling prices for the sale in a territory or possession of an article or articles manufactured by him whenever it appears that the article or articles were sold at retail in that territory or possession at a substantially uniform price for the period immediately prior to January 26, 1951, and the Director of Price Stabilization has established a uniform retail ceiling price for sales of the article in the continental United States, and the ceiling prices proposed are no higher than the level of ceiling prices otherwise established under CPR 9.

By Delegation of Authority 7, Revised, the authority to establish uniform ceiling prices under this supplementary regulation has been vested in the Director of Region XIV.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to SR 3 to CPR 9, this special order is hereby issued.

1. The ceiling prices for the sale by any retailer in the Territory of Hawaii of watches and clocks manufactured by Vacheron & Constantin-Le Coultre Watches, Inc., 580 5th Avenue, New York 19, New York, bearing the brand name "Le Coultre," are the retail prices listed in the application of Vacheron & Constantin-Le Coultre Watches, Inc., dated November 1, 1951, filed with Region XIV of the Office of Price Stabilization. A list of such ceiling prices will be filed by the Region XIV office of the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of a receipt of a copy of this special order, with notice of prices annexed, but in no event later than May 15, 1952, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling prices established by this special order. Sales may, of course, be made at less than ceiling prices.

2. The applicant must annex a copy of this price list to a copy of this order and, within 15 days of the effective date of this order, supply 10 copies of the list and order to the Director of the Region XIV office of the Office of Price Stabilization and 1 copy to each retailer to whom the applicant had delivered an article covered by this order within the two-month period immediately preceding the issuing of this regulation. A copy of this special order and the attached list shall be sent to all other purchasers for sale at retail on or before the first delivery date after the effective date of this special order of any article covered by this regulation. In addition, the applicant must furnish the Director of Region XIV of the Office of Price Stabilization, Washington 25, D. C., two copies of this notice and the attached list within fifteen days of the effective date of this order and a list of all retailers to whom this order and price list are sent within five days of mailing the orders. The list attached to this order, which must be furnished to sellers of the articles covered by this order, must be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per..... {unit, dozen, etc.}	Terms {net, percent EOM, etc.} $.....

3. The applicant for this order must, within 60 days from the effective date of this order, either pre-ticket all articles covered by it, or provide to retailers, sufficient tags with each shipment for retailers to ticket the articles, with the retail ceiling price in the following form:

OPS—CPR 9—SR 3
Ceiling Price $.....

4. No retailer may sell or offer to sell any article covered by this order until a ticket as provided in section 3 has been attached to the article, either by him or by the manufacturer.

5. The applicant must file within 45 days of the expiration of the first six-month period following the effective date of this order and within 45 days of the expiration of each successive six-month period with the Director of Region XIV of the Office of Price Stabilization, Washington, D. C., a report setting forth the number of units of each article covered by this regulation which he has delivered in that six-month period.

6. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Region XIV of the Office of Price Stabilization at any time.

Effective date. This special order shall become effective on May 1, 1952.

EDWARD J. FRIEDLANDER,
Acting Regional Director.

APRIL 30, 1952.

[F. R. Doc. 52-4996; Filed, Apr. 30, 1952; 4:20 p. m.]

[Ceiling Price Regulation 9, S. R. 3, Special Order 12]

INTERNATIONAL SILVER CO.

CEILING PRICES AT RETAIL

Statement of considerations. This order establishes uniform retail ceiling prices for the sale in the Territory of Hawaii of silver and silver products

manufactured by the International Silver Company under the brand names of "International Silver Company," "Holmes & Edwards," "E. G. Webster & Son and Wilcox Silver Plate," and "International Sterling," on the basis of an application filed by the International Silver Company under SR 3 to CPR 9. This supplementary regulation gives a manufacturer the right to apply for uniform retail ceiling prices for the sale in a territory or possession of an article or articles manufactured by him whenever it appears that the article or articles were sold at retail in that territory or possession at a substantially uniform price for the period immediately prior to January 26, 1951, and the Director of Price Stabilization has established a uniform retail ceiling price for sales of the article in the continental United States, and the ceiling prices proposed are no higher than the level of ceiling prices otherwise established under CPR 9.

By Delegation of Authority 7, Revised, the authority to establish uniform ceiling prices under this supplementary regulation has been vested in the Director of Region XIV.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to SR 3 to CPR 9, this special order is hereby issued.

1. The ceiling prices for the sale by any retailer in the Territory of Hawaii of silver and silver products manufactured by the International Silver Company, Meriden, Connecticut, bearing the brand names "International Silver Company," "Holmes & Edwards," "E. G. Webster & Son and Wilcox Silver Plate," and "International Sterling," are the retail prices listed in the application of the International Silver Company dated November 23, 1951, filed with Region XIV of the Office of Price Stabilization. A list of such ceiling prices will be filed by the Region XIV office of the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of a receipt of a copy of this special order, with notice of prices annexed, but in no event later than May 22, 1952, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling prices established by this special order. Sales may, of course, be made at less than ceiling prices.

2. The applicant must annex a copy of this price list to a copy of this order and, within 15 days of the effective date of this order, supply 10 copies of the list and order to the Director of the Region XIV office of the Office of Price Stabilization and 1 copy to each retailer to whom the applicant had delivered an article covered by this order within the two-month period immediately preceding the issuing of this regulation. A copy of this special order and the attached list shall be sent to all other purchasers for sale at retail on or before the first delivery date after the effective date of this special order of any article covered by this regulation. In addition, the applicant must furnish the Director of Region XIV of the Office of Price Stabilization, Washington, 25, D. C., two copies of this notice and the attached list within fifteen days of the effective date of this order and a list of all retailers to whom this order and price list are sent within five days of mailing the orders. The list attached to this order, which must be furnished to sellers of the articles covered by this order, must be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per _____ {unit, dozen, etc.}	Terms {net, percent EOM, etc.} $_____

3. The applicant for this order must, within 60 days from the effective date of this order, either pre-ticket all articles covered by it, or provide to retailers, sufficient tags with each shipment for retailers to ticket the articles, with the retail ceiling price in the following form:

OPS—CPR 9–SR 3
Ceiling Price $_____

4. No retailer may sell or offer to sell any article covered by this order until a ticket as provided in section 3 has been attached to the article either by him, or by the manufacturer.

5. The applicant must file within 45 days of the expiration of the first six-month period following the effective date of this order and within 45 days of the expiration of each successive six-month period with the Director of Region XIV of the Office of Price Stabilization, Washington, D. C., a report setting forth the number of units of each article covered by this regulation which he has delivered in that six-month period.

6. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Region XIV of the Office of Price Stabilization at any time.

Effective date. This special order shall become effective on May 1, 1952.

EDWARD J. FRIEDLANDER,
Acting Regional Director.

APRIL 30, 1952.

[F. R. Doc. 52-4997; Filed, Apr. 30, 1952; 4:20 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27013]

SAND FROM DICKASON PIT, IND., TO THORNTON, ILL.

APPLICATION FOR RELIEF

MAY 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for the Chicago & Eastern Illinois Railroad Company.

Commodities involved: Sand, carloads.

From: Dickason Pit, Ind.

To: Thornton, Ill.

Grounds for relief: Market competition and wayside pit competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-5036; Filed, May 5, 1952; 8:51 a. m.]

[4th Sec. Application 27014]

MERCHANDISE IN MIXED CARLOADS FROM OHIO AND GEORGIA TO FLORIDA, MISSOURI, AND ILLINOIS

APPLICATION FOR RELIEF

MAY 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1073.

Commodities involved: Merchandise, in mixed carloads.

From: Cincinnati, Ohio, to Yukon, Fla., and from Macon and Warner Robbins, Ga., to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1073, Supp. 79.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed

within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-5037; Filed, May 5, 1952; 8:51 a. m.]

[4th Sec. Application 27015]

FURNITURE BETWEEN POINTS IN LOUISIANA, OKLAHOMA, AND TEXAS

APPLICATION FOR RELIEF

MAY 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Missouri-Kansas-Texas Railroad Company, the Illinois Central Railroad Company, and other carriers.

Commodities involved: Furniture, in less-than-carloads.

Between: Points in Louisiana, Oklahoma, and Texas, including Mississippi River crossings.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3977, Supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-5038; Filed, May 5, 1952; 8:51 a. m.]